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Section 1.010 Authority
Consistent with the provisions of Oregon Revised Statutes Chapters 92, 197, 203 and 215, and under the authority of the Hood River County Home Rule Charter, land use zoning shall be governed by the provisions of this Ordinance.

Section 1.020 Title
This Ordinance shall be known as the "Hood River County Zoning Ordinance."

Section 1.030 Purpose & Objectives
This Ordinance is designed to provide and coordinate regulations in Hood River County governing the development and use of lands. To these ends, it is the purpose of this Ordinance to:

   A. Provide a guide for the growth and development of the County of Hood River in accordance with the Comprehensive Plan.

   B. Ensure that the development of property within the County is commensurate with the character and physical limitation of the land, and, in general to promote and protect the public health, safety, convenience and welfare.

   C. Secure for the citizens of Hood River County the social and economic advantages resulting
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from an orderly planned use of its land resources.

D. Encourage, classify, designate, regulate and segregate the use of land, buildings and structures
to serve the needs of agriculture, commerce, industry, residences and other purposes in
appropriate places.

E. Establish conditions which will allow all of these land uses to exist in harmony within the
community.

F. Prevent the overcrowding of land, to avoid undue concentration of population, and to maintain
a suitable balance between the structures and open spaces.

G. Lessen congestion on streets and to promote a safe, efficient traffic circulation system.

H. Ensure that adequate off-street parking and loading facilities will be installed and maintained.

I. Facilitate adequate provisions for community utilities, such as transportation, water, sewage,
schools, parks and other public requirements.

J. Protect and enhance real property values.

K. Promote the stability of existing land uses and to protect them from incompatible and harmful
intrusions.

L. Protect and preserve the stability of fish and wildlife and other natural resources.

M. Encourage the most appropriate use of land.

N. Promote aesthetic values.

Section 1.040 Effect of Hood River County Zoning Ordinance
Any structure, building, or use granted shall be valid in accordance with the provisions and
conditions under which it was originally approved, unless the owner applies for a change in which
additional conditions established shall apply.

Section 1.050 Severability
The provisions of this Ordinance are severable. Should any article, section, subsection, paragraph,
sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the
validity of any other article, section, subsection, paragraph, sentence, clause or phrase; and if this
Ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it
shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof
was enacted.

Section 1.060 Interpretation, Scope & Applicability

A. Interpretation: The provisions of this Ordinance shall be liberally construed to effect the
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purpose of this Ordinance. These provisions are declared to be the minimum requirements to fulfill its objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, then the more restrictive conditions shall govern.

B. **Scope:** This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate density; and to divide the County into zones deemed best to carry out these regulations and to provide for the enforcement of these regulations.

C. **Applicability:** The Hood River County Zoning Ordinance, Zoning Designations and its Subdivision Ordinance apply to private and government ownerships, including lands within both urban growth boundaries of the Cities of Hood River and Cascade Locks.

D. **Parcel or lot containing two or more zoning classifications:** A split-zoned parcel is a parcel or lot with two or more zoning classifications. All applicable zoning regulations for each particular zone shall be applied separately for each portion of a parcel or subdivided lot which is split-zoned.

**Section 1.065 Urban Growth Area**

A. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appellant procedures specified in Hood River County Zoning and Subdivision ordinances. The cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the city's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director’s administrative decision-making process.

B. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the cities of Hood River and Cascade Locks will prevail regarding the specific city zoning and subdivision ordinance interpretation. However, the County reserves the rights to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and County), public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the Cities’ and the County's comprehensive plans.

C. Cities' responses to the above County referrals shall be specific regarding what site development standards are required. A brief statement that the request must comply with the City's zoning ordinance is not acceptable.
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Section 1.070 Compliance With Ordinance Provisions, Classification and Zones
The Planning Director, the Director's designee or other Approving Authority shall not approve a development or use that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. A proposed use or structure not expressly listed under "conditional uses" may be considered by the Planning Commission or Planning Director as conditional use if said structure or use is of the same general type and impacts with other zoning uses listed in the zone.

Section 1.075 Classification of Zones
For the purpose of this Ordinance, the following zones are hereby established:

<table>
<thead>
<tr>
<th>Resource Zone Classifications</th>
<th>Abbreviated Designation</th>
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<tbody>
<tr>
<td>Exclusive Farm Use Zone</td>
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</tr>
<tr>
<td>Forest Zone</td>
<td>F-1</td>
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<tr>
<td>Primary Forest Zone</td>
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<tr>
<th>Other Zone Classifications</th>
<th>Abbreviated Designation</th>
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<td>Airport Development Zone</td>
<td>AD</td>
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<tr>
<td>Commercial Zone</td>
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<tr>
<td>Industrial Zone</td>
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<tr>
<td>Light Industrial Zone</td>
<td>M-2</td>
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<tr>
<td>Mt. Hood Unincorporated Community Commercial Zone</td>
<td>MH-C1</td>
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<tr>
<td>Natural Area Zone</td>
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<tr>
<td>Residential Zone</td>
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<tr>
<td>Rural Center Zone</td>
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<td>Rural Residential Zone</td>
<td>RR</td>
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<tr>
<td>Rural Unincorporated Community Commercial Zone</td>
<td>RUC-1</td>
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<tr>
<td>Surface Mining Zone</td>
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<tr>
<th>Overlay Zones</th>
<th>Abbreviated Designation</th>
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<td>Environmental Protection Overlay Zone</td>
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<td>Floodplain Overlay Zone</td>
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<td>Geologic Hazard Overlay Zone</td>
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<td>Health Hazard Overlay Zone</td>
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<tr>
<td>Historic Preservation Overlay Zone</td>
<td>HP</td>
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<tr>
<td>Interchange Area Management Plan</td>
<td>IAMP</td>
</tr>
</tbody>
</table>
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Stream Protection Overlay Zone SPO

Section 1.080 - Zoning Maps

A. The location and boundaries of the zones designated to Section 1.075 are hereby established as of the effective date shown on the maps entitled "Hood River County Zoning Maps," all of which were signed by the Chair of the County Board of Commissioners and/or the County Planning Director. The maps shall hereafter be referred to as the zoning maps.

B. The signed copy of the zoning maps are located in the County Planning Department (aka County Community Development) and are maintained by planning staff. With exception to Zone Boundary Adjustment applications, which are discussed in Section 55.10 of the County Zoning Ordinance, no changes to the zoning maps shall be made, unless otherwise approved by the County Board of Commissioners through a formal legislative process. All changes to the zoning maps will be documented in the Hood River County Errata Sheets, which is an element of the County Comprehensive Plan and available at the County Planning Department.

C. At minimum, paper copies of the zoning maps are available at the County Planning Department, while digital copies are available on the County website.

D. When discrepancies are noted on paper and digital copies of the zoning maps, the signed Hood River County Zoning Maps shall govern.

E. Replacement of Official Zoning Map. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, or when it is necessary or desirable for some other reason, the Board of Commissioners, upon recommendation of the Planning Director, may adopt all or part of a new Official Zoning Map by resolution. Such map shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct editing or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending this Ordinance or any subsequent amendment thereof.

Section 1.090 – Minor and Major Modification

A. **Minor Modification** - Modification of any permit issued by the Planning Department or Commission may be submitted to and subject to approval of the Planning Director. Minor adjustments are those changes which may affect the precise dimensions of buildings and the siting of buildings, or similar portion of the design plan which do not affect the basic character or arrangements of buildings, the density of development, open space requirements or the intent or purpose of the original permit.

B. **Major Modification** - A permit amendment that does not qualifying as a Minor Modification may be submitted as a Major Modification, which shall be processed as a non-ministerial action (Type II), as defined in Section 1.170 of this Ordinance.
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Section 1.100 – Minor Text Corrections
The Director may correct the Hood River County Zoning Ordinance or the Comprehensive Plan, without prior notice or hearing, so long as the Director does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the Director may:

A. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies of the Hood River County Zoning Ordinance and Comprehensive Plan.

B. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies.

C. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies.

D. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals objectives, and policies.

E. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy numbers.

F. Change capitalization and spelling for the purpose of uniformity.

G. Correct manifest clerical, grammatical or typographical errors.

H. Change the name of an agency by reason of a name change prescribed by law.

Section 1.110 - Filing Fees, Refunds and Withdrawals
Filing fees are used to cover costs of staff time, mailing, posting, public hearings and transcripts involved in processing applications. As such, refunds due to denial are not permitted. In case of withdrawal, the Planning Department shall authorize a refund based on pro-rata costs and determination of the status of the application at the time of withdrawal.

Section 1.120 - Waiver
The Board of County Commissioners is the sole authority for County fee waivers.
Section 1.130 – Extensions, Enforcement / Revocation

A. Approval Period: Except as provided in the EFU and Forest zones, per Section 3.16 and Section 4.11 of the Ordinance, any permit issued by the County shall remain valid for four (4) years from the date of the final decision.

In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

B. Time Extension: Except as provided in Section 3.16 and Section 4.11 of the Ordinance, a two (2) year extension may be authorized, subject to the following:

1. The applicant makes a written request, with the appropriate fee, for the extension prior to the expiration date;

2. The request includes a statement indicating the reasons that prevented the applicant from beginning or continuing development during the approval period;

3. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible; and

4. Applicable criteria for the decision have not changed.

A decision involving an extension request under this Section shall be processed as a Type I decision, although, pursuant to ORS 215.416(11)(a)(A), a notice of the decision shall be sent to adjacent property owners, affected public agencies, parties who participated in the initial application, and community organizations recognized by the County with the opportunity to appeal as prescribed in Section 72.40(B) of the Ordinance.

In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

C. Time Extension for an Extraordinary Event: Except as provided in Section 3.16 and Section 4.11 of the Ordinance, one (1) additional extension may be authorized subject to a public hearing before the County Board of Commissioners. An applicant seeking an additional extension under Subsection (C) must satisfy the standards in Subsection (B) above and the following:

1. The applicant demonstrates that one of the following extraordinary events prevented the applicant from beginning or continuing development during the approval period:

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1 Sections 1.130(A) through (D) were amended via Ordinance #372 on June 21, 2021
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a. Delay in obtaining a state or federal permit or approval associated with the approved project;

b. Legal action related to the approved project that is initiated by a private third-party outside of the County’s land use process; or

c. Act of God or other event that resulted in a state or federal emergency declaration.

If an extension is approved under this Subsection, the County Board of Commissioners shall identify in the order approving the extension the circumstances that will cause a qualifying event to end, such as the issuance of a required state or federal permit, the conclusion of a lawsuit and all appeal periods, or the lifting of an emergency declaration. Once the qualifying event ends, the applicant shall be given 90 additional days to complete the requirements outlined under Subsection (D)(1) or (2) below.

In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

D. Permit Validity: To maintain a permit beyond the initial or extended approval period, the following shall occur:

1. Land Use Approval Involving a Structure(s)
   a. All specified conditions of the permit shall be met;
   b. A complete building permit application for the approved development or use shall be submitted to the County Planning Department for final approval and to the County Building Department for building plan review and approval; and
   c. An issued building permit shall be maintained, and all permit timelines of the Building Code met.

2. Land Use Approval Not Involving a Structure(s)
   a. All specified conditions of the permit shall be met; and
   b. The approved use shall be established by initiating activities authorized under the permit.

E. Planning Director Grounds for Revocation - In addition to any other penalty authorized by law, a permit may be revoked by the County if the Planning Director finds, after notice to the property owners and opportunity to be heard, that the permit’s conditions of approval or requirements of this Article have not been fulfilled. The Planning Director may immediately revoke all permits from the owner upon three (3) violations of the permit.

F. Appeal Procedures - If the Planning Director revokes a permit, the property owner may appeal
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the revocation to the Board of Commissioners after submitting a statement outlining the reason for the appeal and payment of appeal fee.

G. Board Revocation Procedures and Criteria - The Planning Director may initiate a Board of Commissioner public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation. The Board of Commissioners, with or without recommendation of the Planning Director, may void any permit providing the following conditions and procedures are followed:

1. Upon review by the Planning Director a violation of the conditions of the permit of this Ordinance is found. The Planning Director shall inform the applicant by registered letter of the violation and require compliance within a reasonable time.

2. If the violation is not corrected, the Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation. The Board may then set a hearing date on the violation.

3. At least 10-days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition all who are notified of the original application and those who testified shall be notified by regular mail.

4. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.

Section 1.140 – Code Compliance

A. Violations of this Ordinance are governed by Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code. In addition to enforcement actions authorized by these chapters of the Hood River County Code, an application for land use action may be rejected prior to filing or at any point during the application process if any of the following are found to exist:

1. The affected property has an enforcement action pending; or
2. The affected property is found to contain a land use violation while processing the application; or
3. The affected property is found to be in violation of a condition of approval from an approval that remains applicable to the property.

Section 1.150 – Penalties
Chapter 1.08 (Code Enforcement) of the Hood River County Code stipulates that violations of county ordinances are ranked in order of severity and severity of related penalties. The following constitute the severity levels for violations of land use ordinances:

A. Class I Violations - Violations which the Planning Director considers to be major violations that cause or have the potential to cause a danger to life (persons or animals) or property; that
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pose substantial and unacceptable impacts on nearby properties; situations which involve individuals disregarding county ordinances; or situations that involve recurring violations at a single property or by the same individual or company.

B. Class II Violations – Violations that do not pose an immediate danger to life or property but which the Planning Director considers as major violations of county ordinances that impact the quality of life of neighboring properties or other members of the community.

C. Class III Violations – Ordinance violations that the Planning Director considers minor and that have minor impacts on neighbors.

Section 1.160 – Definitions

A. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

B. For the purpose of this Ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:

ACCEPTED FARM PRACTICE: As used in this Ordinance farming practice means a mode or 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.

ACCEPTED TIMBER PRACTICE: In compliance with the Oregon Forest Practices Act, the propagation, growing and harvesting of trees for commercial or non-commercial use; the use of equipment customarily utilized in conjunction with these uses and the maintenance of renewable forest resource production, retention of watershed productivity.

ACCESSORY BUILDING: A building which (1) is subordinate to and serves a principle building or principle; (2) is subordinate in area, extent or purpose to the principle building served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building; and (4) is located on the same zoning parcel or lot as the principle building. Examples of accessory buildings include private garages, storage sheds, carports or patio covers.

ACCESSORY USE: A use that is incidental and subordinate to the primary use of a property. Examples of accessory uses include: processing farm crops grown on a property, home occupations, farm stands, weddings event sites, and licensed short-term rentals.

AGRICULTURAL BUILDING: A structure that is not subject to building code and permit requirements of the state structural specialty code (i.e., ORS 455.315), and that is located on a farm and used in the operation of such farm for:

1. Storage, maintenance or repair of farm or forest machinery and equipment;
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2. The raising, harvesting and selling of crops or forest products;
3. The feeding, breeding, management and sale of, or the production of, livestock; poultry, fur-bearing animals or honeybees;
4. Dairying and the sale of dairy products; or
5. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm product or forest products.

Agricultural Buildings (aka “Ag-Exempt” Buildings) that are intended for agricultural use, but unable to meet the minimum requirements for an agricultural building, may be permitted as an accessory building subject to applicable permits and building codes. A greenhouse is a type agricultural building, and is a structure or building primarily composed of glass or other transparent or translucent material, in which protection or cultivation of delicate or out-of-season plants can be regulated.

AREA-LOT OR PARCEL: The total net area within the property lines of a lot or parcel including that area within any right-of-way, as described in a recorded deed.

AWNING: Any stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer, other than a window awning for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

BED AND BREAKFAST FACILITY: A Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided for compensation. A Bed and Breakfast Facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence remains as a single-family dwelling. Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions.

1. Breakfast Meal: The meal served to guests during the a.m. or morning hours each day.
2. Dwelling Unit: One or more rooms designated for occupancy by one family and not having more than one cooking facility.

BERM: A linear mound of earth at least six-feet in height planted with grass and/or other plant material intended to help prevent land uses on either side of the berm from conflicting with each other. (Planting shrubs or trees on top of the berm will help achieve this purpose.)

BREEZEWAY: A roofed, open-sided passageway connecting two structures, such as a house and a garage. Two buildings connected by a breezeway are not considered attached.
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BUFFER: A setback, berm, fence, elevation rise, planting, and/or other technique(s) used to reduce any potential conflict between neighboring land uses and zones.

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

BUILDING FOOTPRINT: The area within the perimeter of a building measured at the foundation and including such features as attached roofed areas; cantilevered floor areas and attached decks greater than 30-inches above grade. The term "building footprint" shall not include uncovered patios, decks less than 30-inches above grade, uncovered stoops or stairs, or roof eaves.

BUILDING HEIGHT: The vertical distance between the average final grade to the highest point of a building, exclusive of chimneys.

BUILDING/STRUCTURE, DETACHED: A free-standing building or structure that does not share a common wall with any other building or structure. For the purposes of this Ordinance, a detached building/structure also includes a building or structure that shares a common wall with another building or structure, but does not have a shared interior entrance. Two or more buildings connected by a breezeway are considered detached buildings.

BUILDING/STRUCTURE, LAWFULLY ESTABLISHED: A building/structure that was constructed in compliance with all building and zoning codes in effect at the time of establishment.

CABANA: A stationary, lightweight structure, which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

CAMPGROUND: An area designated for overnight temporary use for recreational, seasonal or emergency purposes, but not for residential purposes. Overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive six-month period.

CANNABINOID: Refers to any of the chemical compounds that are the active constituents of marijuana.

CONTIGUOUS: Connected in such a manner as to form a single block of land, but does not include parcels that meet only at a single point.

COUNTY: The County of Hood River.

DATE OF CREATION AND EXISTENCE: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
Reconfigured means any change in the boundary of the lot, parcel or tract.

**DOMICILE:** A person’s fixed, permanent, and principal home for legal purposes where the person intends to remain and to which, if absent, the person intends to return.

**DWELLING, DUPLEX:** A building containing two dwelling units.

**DWELLING, LAWFULLY ESTABLISHED:** A dwelling that was constructed in compliance with all building and zoning codes in effect at the time of establishment. See Article 55 for specific standards.

**DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A detached building containing one dwelling unit or a manufactured dwelling.

**DWELLING UNIT:** One or more rooms designed for occupancy by one family and not having more than one cooking facility.

**EQUINE FACILITY:** A building located on a farm and used by the farm owner or the public for stabling or training equines or providing riding lessons and training clinics.

**FAMILY:** One or more persons, related or unrelated, living together as a single integrated household in a dwelling unit. For purposes of this definition, an “integrated household” functions as a united group and often shares household responsibilities and activities, such as living expenses, chores, and eating meals together.

**FARM STAND:** A business selling agricultural produce or products. A farm stand structure is designed and used for the sale of farm crops and livestock (inclusive of processed crops and livestock), which could include promotional events and providing visitor brochures and information. As it applies to farm stands, “processed crops and livestock” means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption. Pursuant to compliance with the Farm Stand Development Standards, Farm Stands are permitted uses subject to review in the Exclusive Farm Use, Rural Residential and Rural Center zones.

A farm stand shall not be used for the sale, or to promote the sale, of marijuana products or extracts.
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FARM USE: As defined in ORS 215.203 and as used in this Ordinance:

1. “Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and
2. “Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

Discretionary uses that include marijuana shall comply with Article 53.

FARM OPERATOR: A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

FARM OR RANCH OPERATION: All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

FEEDLOT: An area designed or used for the purpose of the concentrated feeding, fattening of ten or more beef cattle, swine or fur-bearing animals, other than rabbits, for commercial food or fur purposes in lots, structures, pens or corrals which are not normally used for raising crops, and in which no vegetation, intended for animal food is growing. The definition does not include a wintering operation for beef cattle in barns or on farming ground.

FIREBREAK (FUELBREAK), PRIMARY: A cleared area at least 30-feet wide (50-feet in the Forest zones) adjacent to and surrounding a dwelling in which native and other fire transmitting vegetation and structures are generally forbidden. A firebreak may contain a reasonable amount of ornamental shrubbery, single specimen trees, and/or similar plants used as ground cover, providing they do not provide a means of rapidly transmitting fire to and from commercial forestlands.

FIREBREAK (FUELBREAK), SECONDARY: Fuel break extending a minimum of 100-feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Dead fuels should be removed.

FEEDLOT: An area designed or used for the purpose of the concentrated feeding or fattening of ten or more beef cattle, swine, or fur-bearing animals, other than rabbits, for commercial food or fur purposes in lots, structures, pens, or corrals which are not normally used for raising crops, and in which no vegetation, intended for animal food, is growing. The definition does not include a
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wintering operation for beef cattle in barns or on farming ground.

**FLOOR AREA:** The area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

**FOREST USE (COMMERCIAL):** The growing and harvesting of trees for wood production. Land receiving forest tax deferral is considered commercial forest land.

**GOLF COURSE:** As defined in OAR 660-033-0130(20).

**GOVERNING BODY:** A city council or county board of commissioners or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

**GRADE (GROUND LEVEL):** The level of the finished surface of the ground adjacent to the exterior walls of the building.

**GROSS FLOOR AREA:** The total floor area of all floors of a building calculated with the external dimensions of the building, including such features as attached roofed areas; cantilevered floor areas; and attached decks greater than 30-inches above grade.

**HALLWAY:** An open corridor containing walls and a roof that is at least 3 feet wide and provides interior access to various parts of a building.

**HOME OCCUPATION:** An occupation or profession carried out by the residents in a dwelling or, under certain circumstances, in a building or other structure accessory to a dwelling; provided that the use is limited in extent and clearly incidental and subordinate to the use of the dwelling for residential purposes. (See Article 53 for Home Occupation standards.)

**HOSPITAL:** An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

**INCIDENTAL:** Secondary and minor in significance and bearing a reasonable relationship with the primary building or use.

**KENNEL:** A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation or sale.

**LOT:** A single unit of land that is created by a subdivision of land.
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LOT, CORNER: A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

LOT, DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT: On an interior lot, the “front lot line” means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the “front lot line” is the property line closest to and most nearly parallel with the street which serves the lot.

The following front setbacks apply to irregular shaped lots:

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 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.
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LOT WIDTH: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

MANUFACTURED HOUSING (MOBILE HOME): A factory-built, single-family detached structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Manufactured housing is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or an axel permanently attached to its body or frame.

MANUFACTURED DWELLING PARK (MOBILE HOME PARK): Any place where four or more mobile homes are located within 500-feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

MARIJUANA BUSINESS: The term and its derivations means an enterprise authorized by state law involving medical or recreational marijuana production, medical or recreational marijuana processing, recreational marijuana wholesaling, medical marijuana dispensing, or retailing of recreational marijuana.

MINISTERIAL ACTION (Type I): A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon’s quasi-judicial process.

NON-CONFORMING LOT OR PARCEL: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.
NON-CONFORMING STRUCTURE: A lawfully established structure at the time this Ordinance or any amendment thereto becomes effective, which does not meet the site development standards of the zone in which it is located. The provisions of Article 65 do not apply in this instance unless the structure also contains a nonconforming use. The action of replacing or expanding a nonconforming structure in which a site development standard(s) remains unmet, shall be subject to the provisions of Article 66 – Variances, unless the footprint of the structure is not changing or the expansion occurs entirely outside of the setback area.

NON-CONFORMING USE: The lawful use of any land, or use of any structure at the time this Ordinance or any amendment thereto becomes effective which is not permitted in the zone in which it is located.

NON-MINISTERIAL ACTION (Type II or III): A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an “administrative action” or “land use decision,” as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedures.

OPEN PLAY FIELD: A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ball fields, golf courses or courts for racquet sports.

ORCHARD: Lands on which fruit or nut trees are grown and harvested on a commercial basis.

ORDINARY HIGH WATER MARK: Has the same meaning as “Bankfull Stage” as used and defined in Article 42.

ORIGINAL LOT OR PARCEL: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

OUTDOOR MASS GATHERING: A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

PARCEL: A single unit of land lawfully created by one of the following:
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1. A lot in an existing, duly recorded subdivision.
2. By partitioning, as defined in ORS 92.010 to 92.190.
3. In compliance with all applicable planning, zoning, and partitioning ordinances or regulations.
4. That received legal lot verification from the county and was noticed pursuant to state law.
5. Any unit of land surrounded on all sides by legally subdivided / partitioned lots or parcels.
6. Any unit of land which received land use approval for a single family dwelling, and whose configuration has not changed since that land use approval was issued.
7. By deed or land sales contract, if recorded prior to January 1, 1976.

A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A parcel is not always the same as the assigned Tax Lot number.

PARKING SPACE: A rectangle not less than 18-feet long and 9-feet wide for use by a vehicle, having an all-weather surface, and further provided that such parking space shall have access to the street or by a driveway having an all-weather surface. All-weather means durable and dustless surfaces that are adequately maintained, but not necessarily paved.

PERSON: Every natural person, firm, partnership, association or corporation.

POWER GENERATING FACILITY, COMMERCIAL: A facility for the production of energy and its related or supporting facilities that: (1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow “Farm Use” and 215.283(1)(r) and 215.283(2)(a) in the EFU zone; (2) Is intended to provide energy for sale; and (3) Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

POWER GENERATING FACILITY, NET METERING: A facility for the production of energy that:

1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and
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215.283(1)(r) in the Exclusive Farm Use zone;
2. Is intended to offset part of the customer-generator’s requirements for energy;
3. Will operate in parallel with a utility’s existing transmission and distribution facilities;
4. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
5. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

POWER GENERATING FACILITY, NON-COMMERCIAL/STAND ALONE: A facility for the production of energy that:
1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;
2. Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;
3. Operates as a standalone power generator not connected to a utility grid; and
4. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

PRINCIPAL BUILDING: A building in which the principal use of the lot or parcel is conducted.

PRINCIPAL USE: The primary allowed use of any lot or parcel.

RECREATIONAL / CAMPING VEHICLE: A vehicle licensed by the Department of Motor Vehicles, with or without motive power, designed for highway use, human occupancy, and to be used temporarily for recreational, seasonal or emergency purposes. A recreational or camping vehicle is not intended for residential or business purposes. These shall include but are not limited to: park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers. A recreational or camping vehicle shall be considered a dwelling if: 1) it is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or 2) it is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

RECREATIONAL VEHICLE PARK: Any privately owned lot, parcel or tract of land used or intended to be used for the accommodation of two or more recreational or camping vehicles for temporary and transient living quarters, the primary purpose of which is the rental of spaces.
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RELATIVE: As it applies to temporary hardship dwellings, relative means a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin.

RESIDENCY: The condition of being a resident of a particular place.

RESIDENT: A person who lives somewhere permanently or on a long-term basis. As it applies to short-term rentals, the word resident is intended to mean a person who occupies their domicile, as defined in this Ordinance.

RESIDENTIAL OR RESIDENTIAL USE: The occupancy of a dwelling unit on a non-transient basis. Uses where tenancy is arranged on a transient basis of less than 30 days are not considered residential.

SETBACKS: A horizontal distance measured at a right angle from adjacent property lines, intended to provide separation between adjacent uses. Setbacks are intended to apply to all structures and buildings, including those exempt from a land use permit pursuant to Section 64.99 of this Ordinance, except for the following:

1. Fences, retaining and freestanding walls not exceeding 8-feet in height.
2. Agricultural related fencing, regardless of height.
3. Retaining walls, regardless of height, when located within a front yard and required for the construction of a road or other transportation improvements.
4. In-ground swimming pools.
5. Hot tubs and portable swimming pools without decks above 30-inches in height. (*Portable swimming pools are designed to be easily deflated or broken down and moved or stored over the winter and should not be confused with other types of above-ground pools with structural framing designed to be left on a permanent or semi-permanent basis.*)
6. Uncovered decks less than 30-inches in height.
7. Uncovered patios.
8. Paved and unpaved driveways and parking areas.
9. Uncovered play structures/equipment, such as swings and slides.
10. Signs.
11. Other similar structures as determined by the County Planning Director.

SHORT-TERM RENTAL: A dwelling unit or any portion thereof that is available or advertised, or listed by an agent, for use, rent, or occupancy for a period of less than 30 consecutive days. Short-Term Rentals does not include guest quarters, bed and breakfast facilities, hotels, or other types of lodging permitted to operate in accordance with this Ordinance. Short-term rentals are a type of
home occupation and considered an accessory use to a single family dwelling so long as they operate in compliance with the requirements of this Ordinance.

**SHORT-TERM RENTAL PERMIT:** A Type I or Type II development application authorizing a Short-Term Rental. Type I Short-Term Rental Permits are permitted by-right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance. Type I permits (Ministerial Review) are limited to actions that do not require interpretation or the exercise of policy or legal judgment.

**SIGN:** A presentation or representation, other than a house number, by works, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or request for aid or other type of advertising. This includes the surface face upon which the representation is displayed.

**STATEMENT OF WATER RIGHTS:** Chapter 92, Oregon Revised Statutes, requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company to file and record a statement of water rights. If a water right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six-feet above grade, the basement or cellar shall be considered a story.

**STREET:** The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. Includes the terms “road”, “highway”, “lane”, “place”, “avenue”, or other similar designations.

**STRUCTURE:** Anything built or constructed, permanent or temporary, which requires location on the ground, including but not limited to, buildings, walls, fences, billboards, poster panels, and parking lots.

**STRUCTURAL ALTERATION:** Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof.
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SUBORDINATE: Secondary to, derived or resulting from, and dependent upon a principal building or principal use.

TAX LOT: Numbers which are assigned by the assessor for the sake of assessment of taxes. Multiple legal parcels may be assigned one Tax Lot number. A Tax Lot might not be a legal parcel.

TRACT: One or more contiguous lots or parcels under the same ownership. Separate lots or parcels divided by a public highway, or that meet only at a single point, are not considered contiguous. Contiguous means connected in such a manner as to form a single block of land.

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

UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE: Unless otherwise specified in Article 3, Article 4 or Article 74, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200-feet in height) including substations not associated with a commercial power generating facilities and other similar facilities.

VISION CLEARANCE: A triangular area at a public or private street intersection or a corner lot, the space being defined by a line across the corner between the points on the street right-of-way or easement line measured from the corner or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining said point measured along the tangents from their point of intersection.

1. No visual obstruction (e.g., sign, structure, solid fence, wall, vegetation) may exceed three-feet in height within the 35-foot “vision clearance areas” at street intersection.
2. Height is measured from the nearest adjacent travel lane grade.
3. Trees exceeding three-feet in height may be located in this area, provided all branches and foliage are removed to a height of eight-feet above grade.
4. Designated parking areas are not allowed within the vision clearance triangle.
5. Additional intersection sight distance may be required by the County Public Works Department depending on the design speed and traffic volume of the intersecting streets.

WESTERN OREGON: That portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to
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the southern boundary of the State of Oregon.

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

YARD, FRONT: A yard extending between side lot lines and measured horizontally and at right angles from the side lot line to the nearest point of a Building

YARD, SIDE: An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of a building.

YURT: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
ARTICLE 2 – DEVELOPMENT APPROVAL PROCEDURES

[Reserved for Development Approval Procedures]
Article 3 – Exclusive Farm Use (EFU) Zone

ARTICLE 3 - EXCLUSIVE FARM USE ZONE (EFU)

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Section 3.01 Purpose & Right to Farm

A. It is the policy of Hood River County to preserve and maintain the county's agricultural lands for agricultural uses, consistent with existing and future farm practices. To accomplish this policy, the Exclusive Farm Use (EFU) Zone is intended to designate, preserve, stabilize and enhance agricultural and farm use areas within the county for food, fiber and livestock production.

B. It is the purpose of this zone to insure the orderly use of agricultural and farm land and protect it from inappropriate development. The zone is intended to meet the requirements of state law and regulations.

C. The EFU Zone implements the Farm designation of the Comprehensive Plan. It should be read together with the County Background Report and the County Policy Document.
D. The EFU Zone has two component parts. One is High Value Farmland (HVF), which was defined by the Legislature in 1993. HVF is made up of mostly Class I and II soils, and lands that were growing perennials (e.g. tree fruits, berries, etc.) as of a certain date. The Legislature felt the HVF designation would help protect the more productive resource land from the detrimental effects of uses not related to agriculture. In 1995, HVF composed approximately 80% of the total EFU Zone. The remaining component, about 20%, basically mirrors requirements of the pre-1993 County Zoning Ordinance for agricultural lands, although some other requirements have been added to comply with new laws.

E. **Right to Farm**

1. Farming and forest practices are critical to the economic welfare of the county. The expansion of non-resource uses on and near lands zoned for resource use may give rise to conflicts between resource and non-resource activities. Resource practices on lands zoned for resource use must be protected to some extent from claims of relief filed by persons not accepting conditions associated with living near resource operations, because such claims have an adverse effect on the full resource base of the county.

2. Spraying in compliance with state laws, and smoke, noise, dust and odors associated with a generally accepted, reasonable and prudent methods for the operation of a farm, are accepted farming practices. No farming or forest practice on land zoned for such use shall give rise to any private right of action or claim for relief based on nuisance or trespass, except for damage to a commercial farm product, or death or serious physical injury.

**Section 3.02 Use Table**

Table 3.02 identifies the uses permitted in the Exclusive Farm Use (EFU) zone. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or III review, unless otherwise specified on Table 3.02. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance.

A. **As used in Table 3.02:**

1. “A” means the use is **allowed outright**: uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Ordinance and do not require land use review.

2. “P” means the use is **prohibited**.
Article 3 – EFU

3. “C” means the use is a Conditional Use, approval of which is subject to Section 3.05, Conditional Use Review and other listed criteria.

4. The “Subject To” column identifies certain provisions to which the use is subject.

5. “HV” means High Value Farmland as defined in Section 3.03.

6. “All Other” refers to EFU zoned lands not defined as HV Farmland.

7. “Type I” uses (Ministerial Review) are permitted by-right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment.

8. “Type II” uses (Administrative Action) involve permits, including both permitted uses subject to standards and conditional uses, for which the application of review criteria requires the exercise of discretion. These decisions require a notice of decision and opportunity for appeal and public hearing.

9. “Type III” uses require a public hearing. Decisions are made by the hearings officer or planning commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria, but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.

B. Permitted Uses – Permitted uses are subject to the applicable provisions of Subsection 3.15 Dimensional and Site Development Standards and other applicable Articles of the Hood River County Zoning Ordinance.

C. Prohibited Uses – Uses of structures, buildings and land use not specifically permitted are prohibited.
### Table 3.02 Use Table for Exclusive Farm Use (EFU) Zone

| Use                                                                 | Review Type |          |  |  |
|--------------------------------------------------------------------|-------------|----------|  |  |
| **Farm, Forest, & Natural Resource Uses**                          |             |          |  |  |
| Farm use as defined in ORS 215.203                                 | A           | A        |  |  |
| Farm use, marijuana and psilocybin production                      | Type I      | Type I   | Article 53 |  |
| Marijuana and psilocybin processing                                 | Type II     | Type II  | Section 3.04(B) and Article 53 |  |
| Marijuana wholesaling (off-site); marijuana retailing              | P           | P        |  |  |
| Propagation or harvesting of a forest product                       | A           | A        |  |  |
| Other buildings customarily provided in conjunction with farm use (agricultural buildings and equine facilities) | TYPE I      | TYPE I   | Section 3.04.A Section 3.15 |  |
| Creation of, restoration of, or enhancement of wetlands            | A           | A        | Coordination with DSL |  |
| Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract | A           | A        |  |  |
| A facility for the processing of farm crops, biofuel or poultry    | TYPE II     | TYPE II  | Section 3.04.B Section 3.15 |  |
| A facility for the primary processing of forest products           | C (TYPE II) | C (TYPE II) | Section 3.04.C Section 3.15 |  |
| The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission | C (TYPE II) | C (TYPE II) | Section 3.05 |  |
| Conservation areas or structures for the retention of water, soil, open space, forest or wildlife resources | A           | A        | Coordination with resource agencies |  |
| **Residential Uses**                                                |             |          |  |  |
| Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists | TYPE I      | TYPE I   | Section 3.15 |  |
| Primary farm dwelling                                              | TYPE II     | TYPE II  | Section 3.04.V Section 3.06 |  |
| Includes standards for: Large Tract, Farm Income Non-High Value, Farm Income High Value, and Commercial Dairy dwellings. | TYPE II     | TYPE II  | Section 3.04.D Section 3.04.V |  |
| Relative farm help dwelling                                         | TYPE II     | TYPE II  | Section 3.04.D Section 3.04.V |  |
| Temporary hardship dwelling                                         | C (TYPE II) | C (TYPE II) | Section 3.04.E Section 3.05 |  |
| Accessory farm dwelling                                             | TYPE II     | TYPE II  | Section 3.04.V Section 3.07 |  |
| Lot of record dwelling                                              | TYPE II     | TYPE II  | Section 3.04.V Section 3.08 |  |
### Table 3.02: Use Table for EFU Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HV</td>
<td>All Other</td>
</tr>
</tbody>
</table>
|                                                                      | C (TYPE II) | C (TYPE II)                  | Section 3.04.V
|                                                                      |             |                             | Section 3.05
|                                                                      |             |                             | Section 3.09.A |
| Non-farm dwelling                                                    | TYPE I or II| TYPE I or II                  | Section 3.10
|                                                                      |             |                             | Section 3.10.D |
| Replacement, alteration or restoration of lawfully established dwelling | TYPE II     | TYPE II                      | Section 3.04.V |
| Replacement dwelling for historic property                           | TYPE II     | TYPE II                      | Section 3.04.V |
| Residential home as defined in ORS 197.660, in existing dwellings    | C (TYPE III)| C (TYPE III)                 | Section 3.04.V
|                                                                      |             |                             | Section 3.05 |
| Room and board arrangements (i.e., meals served) for a maximum of five unrelated persons in existing residences | P           | P                            |              |

#### Commercial Uses

<table>
<thead>
<tr>
<th>Commercial Uses</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Billboard</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Commercial activity carried on in conjunction with a marijuana or psilocybin-producing fungi crop, excluding a psilocybin service center.</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Psilocybin service center carried on in conjunction with a psilocybin-producing fungi crop.</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Contractor’s Equipment Yards</td>
<td>TYPE II</td>
<td>(TYPE II)</td>
</tr>
<tr>
<td>Winery or Cider Business</td>
<td>TYPE II</td>
<td>TYPE II</td>
</tr>
<tr>
<td>Agri-tourism single event (i.e., not to exceed 16 hrs and 50 attendees)</td>
<td>TYPE I</td>
<td>TYPE I</td>
</tr>
</tbody>
</table>
| Agri-tourism single event (i.e., not to exceed 72 hrs and 250 attendees)     | C (TYPE II) | C (TYPE II)                  | Section 3.05
|                                                                      |             |                             | Section 3.12.B |
| Agri-tourism for up to 6 events or activities in a calendar year (i.e., not to exceed 72 hrs and 250 attendees) | C (TYPE II) | C (TYPE II)                  | Section 3.05
|                                                                      |             |                             | Section 3.12.C |
| Agri-tourism: Other more frequent or longer events on 80 acres               | P           | P                            |              |
| Destination resort                                                           | P           | P                            |              |
| Parking of up to seven log trucks                                           | C (TYPE II) | C (TYPE II)                  | Section 3.05 |
| Dog training classes or testing trials (conducted outdoors or in farm buildings that existed on January 1, 2013) | TYPE II     | TYPE II                      | Section 3.04.F |
| Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 3.04.F | P           | C (TYPE III)                 | Section 3.05 |
| Farm stand                                                                   | TYPE II     | TYPE II                      | Section 3.04.G |
| Home occupation                                                             | C (TYPE II) | C (TYPE II)                  | Section 7.01.H
|                                                                      |             |                             | Section 3.04.H
|                                                                      |             |                             | Section 3.05
|                                                                      |             |                             | Article 53 |
### Table 3.02: Use Table for EFU Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>Subject To</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HV</td>
<td>All Other</td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Home occupation involving Bed &amp; Breakfast (B&amp;B) Facility in an existing dwelling</td>
<td></td>
<td>Section 3.04.H.2 Section 3.04.V Section 3.05 Article 56</td>
</tr>
<tr>
<td></td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Home occupation involving short-term rentals</td>
<td></td>
<td>Section 3.05 Article 53</td>
</tr>
<tr>
<td></td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Home occupation to host wedding and related events</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 3.05</td>
</tr>
<tr>
<td>Aerial fireworks display business</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 3.05</td>
</tr>
<tr>
<td>A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 3.05</td>
</tr>
<tr>
<td>Commercial activities in conjunction with an on-premise farm use, including the processing of farm crops into biofuel not permitted under Section 3.04.B, but excluding activities in conjunction with a marijuana or psilocybin producing fungi crop.</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 3.05</td>
</tr>
<tr>
<td>Cold Storage Facility as a commercial activity in conjunction with farm use (Cold storage facilities may be permitted as a Type I use; this is a separate application for those that are not.)</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 3.05</td>
</tr>
<tr>
<td>Signs exceeding thirty-two square feet</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wrecking and Junk Yards</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Mineral, Aggregate, Oil and Gas Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customrary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b)</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b)</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
<tr>
<td>Operations conducted for mining, crushing or stockpileing of aggregate and other mineral and other subsurface resources</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
</tr>
</tbody>
</table>
### Table 3.02: Use Table for EFU Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>I = Type I</th>
<th>II = Type II</th>
<th>III = Type III</th>
<th>A= Allowed</th>
<th>P = Prohibited</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processing of other mineral resources and other subsurface resources</td>
<td></td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td><strong>Transportation Uses</strong></td>
<td></td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td>Climbing and passing lanes within the right of way existing as of July 1, 1987</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways</td>
<td>A</td>
<td>A</td>
<td></td>
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</tr>
<tr>
<td>Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td>Improvement of public road 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</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td>Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065</td>
<td>C (TYPE II)</td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td>Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities</td>
<td>C (TYPE III)</td>
<td>C (TYPE III)</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.05</td>
<td></td>
</tr>
<tr>
<td><strong>Utility/Solid Waste Disposal Facilities</strong></td>
<td></td>
<td>C (TYPE II)</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.04.K</td>
<td></td>
</tr>
<tr>
<td>Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.15</td>
<td></td>
</tr>
<tr>
<td>Utility facility service / local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups</td>
<td>A</td>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.15</td>
<td></td>
</tr>
<tr>
<td>Solar energy system as an accessory use (non-commercial)</td>
<td>TYPE I</td>
<td>TYPE I</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.15</td>
<td></td>
</tr>
<tr>
<td>Wind energy power production systems as an accessory use (non-commercial)</td>
<td>TYPE I</td>
<td>TYPE I</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.15</td>
<td></td>
</tr>
<tr>
<td>Rainwater collection systems as an accessory use (non-commercial)</td>
<td>TYPE I</td>
<td>TYPE I</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.15</td>
<td></td>
</tr>
<tr>
<td>Electric vehicle charging stations for residents and their non-paying guests</td>
<td>TYPE I</td>
<td>TYPE I</td>
<td></td>
<td></td>
<td></td>
<td>Section 3.15</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Review Type</td>
<td>SUBJECT TO</td>
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<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Land application of reclaimed water, agricultural or industrial process water or Biosolids, or the onsite treatment of septage prior to the land application of Biosolids</td>
<td>TYPE II</td>
<td>Section 3.04.L</td>
<td></td>
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</tr>
<tr>
<td>Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200-feet in height.</td>
<td>TYPE II</td>
<td>Section 3.04.M Section 3.04.N</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collocation of antennas and wireless telecommunication facilities, including associated equipment (e.g., equipment shelters), on a previously approved wireless telecommunications facility</td>
<td>TYPE I Section 3.04.O Section 3.15 Article 74</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Communication facilities and towers supporting wireless telecommunication facilities (&lt; 200’ in height)</td>
<td>C 1 (TYPE II) C 1 (TYPE II) Section 3.05 Article 74</td>
<td></td>
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</tr>
<tr>
<td>1 Section 3.05 shall not apply to a Tower with Concealment Technology, only a New Tower (not using concealment technology)</td>
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</tr>
<tr>
<td>Transmission towers over 200-feet in height</td>
<td>C (TYPE II) C (TYPE II)</td>
<td>Section 3.05</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.</td>
<td>C (TYPE III) C (TYPE III)</td>
<td>Section 3.05 Section 3.13.A</td>
<td></td>
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</tr>
<tr>
<td>Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale</td>
<td>P P</td>
<td>Section 3.05</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale</td>
<td>C (TYPE III) C (TYPE III)</td>
<td>Section 3.05 Section 3.13.B</td>
<td></td>
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</tr>
<tr>
<td>A site for the disposal of solid waste 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 not on high value farmland</td>
<td>P C (TYPE III)</td>
<td>Section 04.U Section 3.05</td>
<td></td>
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</tr>
<tr>
<td>Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060</td>
<td>P C (TYPE II)</td>
<td>Section 04.P Section 04.U Section 3.05</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Parks/Public/Quasi-public Uses</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Onsite filming and activities accessory to onsite filming for 45-days or less as provided for in ORS 215.306</td>
<td>A A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Onsite filming and activities accessory to onsite filming for more than 45-days as provided for in ORS 215.306</td>
<td>C 1 (TYPE II) C 1 (TYPE II) Section 3.05</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A site for the takeoff and landing of model aircraft.</td>
<td>TYPE II TYPE II Section 3.04.Q</td>
<td></td>
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</tr>
<tr>
<td>Living history museum as defined in 3.03</td>
<td>P P</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community</td>
<td>P P</td>
<td></td>
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</tr>
</tbody>
</table>
### Article 3 – EFU

<table>
<thead>
<tr>
<th>Table 3.02: Use Table for EFU Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I = Type I  II = Type II  III = Type III</strong>  <strong>A= Allowed  P = Prohibited</strong></td>
</tr>
<tr>
<td><strong>Review Type</strong></td>
</tr>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Fire service facilities providing rural fire protection services (including parking and staging areas for emergency vehicles)</td>
</tr>
<tr>
<td>Helipad for aircraft emergencies when applied for by public entities (including parking and staging areas for emergency vehicles)</td>
</tr>
<tr>
<td>Publicly owned parks, playgrounds, and campgrounds</td>
</tr>
<tr>
<td>Non-motorized trails within the Hood River Corridor (i.e., Powerdale Corridor from the mouth of Hood River to Tucker Bridge)</td>
</tr>
<tr>
<td>Public parks or park uses in an adopted Master Plan (There currently is no parks master plan adopted and acknowledged as part of the county’s comprehensive plan.)</td>
</tr>
<tr>
<td>Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210</td>
</tr>
<tr>
<td>Operations for the extraction and bottling of water</td>
</tr>
<tr>
<td>Churches and cemeteries in conjunction with churches, consistent with ORS 215.441</td>
</tr>
<tr>
<td>Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.</td>
</tr>
<tr>
<td>Private parks, playgrounds, hunting and fishing preserves</td>
</tr>
<tr>
<td>Private campgrounds</td>
</tr>
<tr>
<td>Golf courses not on high-value farmland as defined in 0 and ORS 195.300</td>
</tr>
</tbody>
</table>

### Outdoor Mass Gatherings

An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.

<table>
<thead>
<tr>
<th><strong>Review Type</strong></th>
<th></th>
<th><strong>SUBJECT TO</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>A</td>
<td>County Board of Commissioner Review</td>
</tr>
</tbody>
</table>

Any outdoor mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.

<table>
<thead>
<tr>
<th><strong>Review Type</strong></th>
<th></th>
<th><strong>SUBJECT TO</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3.03 Definitions

Words used in the present tense include the future; the singular number includes the plural; and the word “shall” is mandatory and not directory. Whenever the term “this Ordinance” is used.
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herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

For the purpose of this Ordinance, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

A. **Accepted Farming Practice**: 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. As applied to composting operations on high-value farmland, “accepted farming practice” includes composting operations that either 1) compost only materials produced on the subject tract, or 2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract.

B. **Agri-tourism**: Means a commercial enterprise at a working farm or ranch that is incidental and subordinate to the existing farm use of the tract that promotes successful agriculture, generates supplemental income for the owner and complies with Oregon Statue and Rule. Any assembly of persons shall be for the purpose of taking part in agriculturally based operations or activities such as animal or crop care, picking fruits or vegetables, cooking or cleaning farm products, tasting farm products; or learning about farm or ranch operations. Agri-tourism does not include “commercial events or activities” such as celebratory gatherings, weddings, parties, or similar uses.

C. **Associated Transmission Lines**: Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

D. **Cider Business**: A facility used primarily for the commercial production, shipping and distribution, wholesale or retail sales, tasting, crushing, making, blending, storage, bottling, administrative functions of warehousing of cider.

E. **Farm or Ranch Operation**: All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

F. **High Value Farmland (HVF)** is defined as:
   1. Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or Class II; or not irrigated, and classified prime, unique, Class I or Class II; or growing specific perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the article 7 – Exclusive Farm Use Page 4 United States Department of
Article 3 – EFU

Agriculture taken prior to November 4, 1993, or as demonstrated by aerial photography of the Western Aerial Corporation taken on May 28, 1995.

2. Small blocks of land surrounded or nearly surrounded by HVF that are designated during the mapping of HVF.

3. All EFU zoned property meeting the above definition / criteria was mapped by the county via Ordinance # 223.

G. Irrigated: Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this Ordinance, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

H. Living History Museum: A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

I. Local Historical Society: A local historical society recognized by the county governing body and organized under ORS Chapter 65 (Nonprofit Corporations).

J. Mining, Aggregate: For purposes of this Article, “mining” includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. “Mining” does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming, logging or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

K. Personal Use Airport: An airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.

L. Winery: An establishment where wine is produced commercially.

M. Vineyard: Fields where grapes are grown, typically used for winemaking.
Section 3.04  Use Standards

Farm, Forest and Natural Resource Uses

A. Agricultural Buildings and Equine Facilities, shall be permitted with an approved land use permit subject to the following standards:

1. Located and used subject to the definition of “agricultural building” in Article 1 of this Ordinance.

2. An “agricultural building” shall not be approved for use as: (1) a dwelling; (2) a structure used for a purpose, other than growing plants, in which 10 or more persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; (4) a structure used by the public; or (5) a structure subject to Sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

3. Pursuant to the provisions of Oregon Revised Statutes, Chapter 455.315(2)(d), an “equine facility” shall be located on a farm, pursuant to Subsection (5)(a) and (b) below, and used by the farm owner or the public for stabling or training equines or providing riding lessons and training clinics. (Note that, unlike agricultural buildings that are required to be used as part of the business of the farm, equine facilities may simply be used for the pleasure of the owner when all other standards are met.)

4. An “equine facility” shall not be approved for use as: (1) a dwelling; (2) a structure in which more than 10 persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or (4) a structure subject to Sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

5. Before an application for an agricultural building or equine facility is approved, except for a greenhouse, an applicant shall demonstrate that the lot or parcel on which the agricultural building or equine facility is proposed contains a farm, as defined below:

a. A farm includes a lot or parcel that is currently employed for the primary purpose of obtaining a profit in money by (a) Raising, harvesting and selling crops; (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees or the produce thereof; (c) Dairying and selling dairy products; (d) Stabling or training equines, including but not limited to providing riding lessons,
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training clinics and schooling shows; (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission; (f) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products raised for human or animal use on land described in this section; or (g) Using land described in this section for any other agricultural or horticultural use or animal husbandry or any combination thereof; and

b. The lot or parcel is receiving farm tax deferral from the county; or the property owner provides proof of gross income generated from the onsite farm pursuant to ORS 308.A.071(2)(a) for at least the last year.

c. No agricultural building or equine facility shall be constructed within the boundaries of a floodplain without an approved building permit. Where applicable, an agricultural building or equine facility within the boundaries of a floodplain shall also be subject to requirements of Article 44 (Floodplain Zone) of this Ordinance.

d. Nothing in this section is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility; such structures are not exempt from electrical, plumbing, or mechanical permits when applicable.

e. As part of an application for an agricultural building or equine facility, the owner(s) of the property shall sign a statement acknowledging the limitations of how the building can be used. By signing this statement, the owner(s) must also agree to obtain a building permit should the use of the building be converted to non-agricultural use and to ensure that future owners are made aware of these limitations.

f. Any approved agricultural building or equine facility that is no longer located on a farm or used exclusively for agricultural purposes may be subject to enforcement action pursuant to Article 1 of this Ordinance.

g. Any agricultural building or equine facility, unable to meet the above guidelines, may be approved as an accessory buildings when applicable criteria are met and subject to a building permit.

B. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used as a processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm
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use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.

C. Facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses defined. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

Residential Uses

D. Relative farm help dwelling, subject to the following standards:

1. The relative farm help dwelling shall be located on the same lot or parcel as the principal farm dwelling and must be on real property used for farm use.

2. The relative farm help dwelling shall be occupied by a relative(s) of the farm operator or by a relative(s) of the farm operator’s spouse who will be principally engaged in the existing commercial farming operation and whose assistance in the management of the farm, such as planting, harvesting, marketing or caring for livestock, is required by the farm operator. Farming of a marijuana or psilocybin producing fungi crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling.

3. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm from the principal farm dwelling, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

4. For the purposes of this Subsection D “relative” means a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator’s spouse.

E. Temporary hardship dwelling for dependent relative, subject to the following standards:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a
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temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;

b. The applicant shall renew the permit every two-years for it to remain valid. Upon renewal, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;

c. Within three-months of the end of the hardship, the temporary hardship dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use.

d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.

e. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis; and

f. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.

2. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.

3. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

4. A property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists may not be approved.

Commercial Uses

F. Dog training classes or testing trials conducted outdoors, or in farm buildings (i.e., agricultural building) that existed on January 1, 2013, are limited as follows:
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1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and

2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

G. Farm stand, subject to the following standards:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25-percent of the total annual sales of the farm stand (At the request of the county, the farm stand shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the farm stand with this subsection for the previous tax year.); and

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

3. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items. As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington.

4. Adequate off-street parking will be provided subject to provisions of Article 51 (Off Street Parking and Loading).

5. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

6. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

7. No farm stand building or parking is permitted within the right-of-way.
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8. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.

9. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).

10. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.

11. Only four (4) signs (including both on and off premise signs) are permitted not to exceed a cumulative size of 32 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs shall be approved by affected property owners.

12. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-spillover onto adjacent properties, roads and highways.

13. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.

14. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

H. Home occupations, subject to the following:

1. Located and used subject to the definition of “Home Occupation” in Article 3 and meet the Home Occupation Standards in Article 53 of this Ordinance.

2. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery or cider business established under Table 3.02 and is operated in association with the winery or cider business:
   a. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility;
   b. The meals may be served at the bed and breakfast facility or at the winery or cider business; and
   c. Weddings and related events shall meet the requirements of Article 73.

Mineral, Aggregate, Oil and Gas Uses

I. Facilities that batch and blend mineral and aggregate into asphalt cement may not be
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authorized within two miles of a planted vineyard. Planted vineyard means one or more
vineyards totaling 40-acres or more that are planted as of the date the application for
batching and blending is filed.

J. Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources
may be approved, subject to the following:

1. A land use permit is required for mining more than one thousand (1,000) cubic yards
   of material or excavation preparatory to mining of a surface area of more than one-
   acre.

2. A land use permit for mining of aggregate shall be issued only for a site included on
   the mineral and aggregate inventory in the Hood River Comprehensive Plan.

Transportation Uses

K. Personal-use airport, as used in this section, prohibits aircraft other than those owned or
controlled by the owner of the airstrip. Exceptions to the activities allowed under this
definition may be granted through waiver action by the Oregon Department of Aviation in
specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall
continue to be allowed subject to any applicable rules of the Oregon Department of
Aviation.

Helipads for emergency use are not personal-use airports under this section and may be
allowed when applied for by public entities.

Utility/Solid Waste Disposal Facilities

L. Land Application of Reclaimed or Process Water, agricultural process or industrial process
water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation
in connection with a use allowed in an EFU zone is subject to the issuance of a license,
permit or other approval by the Department of Environmental Quality under ORS 454.695,
459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under

Onsite treatment of septage prior to the land application of biosolids is limited to treatment
using treatment facilities that are portable, temporary and transportable by truck trailer, as
defined in ORS 801.580, during a period of time within which land application of biosolids
is authorized under the license, permit or other approval.

M. Utility facility service lines are utility lines and accessory facilities or structures that end at
the point where the utility service is received by the customer and that are located on one or
more of the following:
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1. A public right-of-way;

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

3. The property to be served by the utility.

N. Utility facility that is necessary for public service.

1. A utility facility is necessary for public service if the facility must be sited in the EFU zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the following factors:

   a. Technical and engineering feasibility;

   b. The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

   c. Lack of available urban and nonresource lands;

   d. Availability of existing rights-of-way;

   e. Public health and safety; and

   f. Other requirements of state and federal agencies.

2. Costs associated with any of the factors listed in Subsection (1) above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

3. The owner of a utility facility approved under Subsection (1) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
4. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

5. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this subsection are subject to Section 3.05 - Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

6. In addition to the provisions of Subsections (1) through (4) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

7. The provisions of Subsection (1) above do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

8. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of (a) or (b) below:

   a. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

      i. The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

      ii. The associated transmission line is co-located with an existing transmission line;

      iii. The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

      iv. The associated transmission line is located within an existing right-of-way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.
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b. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (c) and (d) below, two or more of the following criteria:

i. Technical and engineering feasibility;

ii. The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

iii. Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

iv. Public health and safety; or

i. Other requirements of state or federal agencies.

c. As pertains to Subsection (b) above, the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

d. The county may consider costs associated with any of the factors listed in Subsection (b) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

O. Communication towers and facilities (i.e., cell towers), subject to Article 74.

P. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland, except that existing facilities on high value farmland may be expanded subject to Section 3.04.W, and as allowed as an accepted farming practice as defined.
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Parks/Public/Quasi-Public

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

R. Publicly owned parks may include:

1. All outdoor recreation uses allowed under ORS 215.283;

2. The following uses, unless otherwise allowed as part of an adopted park master plan:
   a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
   b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
   c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
   d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;
   e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;
   f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and

h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education.

S. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:

1. The Conditional Use Review Criteria in Section 3.05 are met; and

2. The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.

T. An existing golf course may be expanded consistent with the requirements of Table 3.02 and Section 3.05. Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

1. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

2. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
3. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

General Standards

U. Three-mile setback. For uses subject to this subsection:

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

2. Any enclosed structures or group of enclosed structures described in Subsection (1) within a tract must be separated by at least one-half mile. For purposes of this subsection, “tract” means a tract that is in existence as of June 17, 2010.

3. Existing facilities wholly within the farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Ordinance.

V. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

W. Expansion & Non-conforming use standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to Table 3.02, Article 65, and other requirements of law.

Section 3.05 Conditional Use Review Criteria

An applicant for a conditional use identified in Table 3.02 must demonstrate compliance with the following criteria:
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A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this Ordinance and the following general criteria:

1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;

2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;

3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;

4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use (e.g., water, sewer and access); and

5. The use is or can be made compatible with existing uses and other allowable uses in the area and does not negatively affect the health or safety of surrounding uses or residents.

Section 3.06 Dwellings Customarily Provided in Conjunction with Farm Use

A. Primary Farm Dwelling - Large Tract Standards. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The parcel on which the dwelling will be located is at least 160-acres.

2. The subject tract is currently employed for farm use.

3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

4. Except for seasonal farm worker housing approved prior to 2001, there is no other dwelling on the subject tract.
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B. Primary Farm Dwelling - Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned at least $60,000 in gross annual income from the sale of farm products;

2. Except for seasonal farm worker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;

3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and

4. In determining the gross income required by Subsection (1):
   a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
   b. Only gross income from land owned, not leased or rented, shall be counted; and
   c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

5. Farming of a marijuana or psilocybin producing fungi crop, and the grow sales derived from selling a marijuana or psilocybin producing fungi crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

C. Primary Farm Dwelling - Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use on which the farm operator earned at least $80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and

2. Except for seasonal farm worker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation; and
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3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1);

4. In determining the gross income required by Subsection (1):
   a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
   b. Only gross income from land owned, not leased or rented, shall be counted; and
   c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

5. Farming of a marijuana or psilocybin producing fungi crop, and the grow sales derived from selling a marijuana or psilocybin producing fungi crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

D. Additional Farm Income Standards.

1. For the purpose of Subsections (B) or (C), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements.

2. Prior to the final approval for a dwelling authorized by Subsections (B) and (C) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form (available at the county planning department) adopted as "Exhibit A" to OAR chapter 660, division 33 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
   a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
   b. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
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3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;

4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section;

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

E. Primary Farm Dwelling - Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

1. The subject tract will be employed as a commercial dairy as defined in Subsection (7);

2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

3. Except for an accessory farm dwelling, there is no other dwelling on the subject tract;

4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

6. The Oregon Department of Agriculture has approved the following:

   a. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
b. A Producer License for the sale of dairy products under ORS 621.072.

7. As used in this section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (B) or (C), whichever is applicable, from the sale of fluid milk.

F. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:

1. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (B) or (C), whichever is applicable;

2. The subject lot or parcel on which the dwelling will be located is:

   a. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (B) or (C), whichever is applicable; and

   b. At least 80-acres in size;

3. Except for an accessory farm dwelling, there is no other dwelling on the subject farm or ranch operation;

4. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and

5. In determining the gross income required by Subsections (1) and (2)(a):

   a. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

   b. Only gross income from land owned, not leased or rented, shall be counted.

Section 3.07 Accessory Farm Dwellings (Farm worker housing)

A. Accessory farm dwellings as permitted by this Article may be considered customarily provided in conjunction with farm use if:

1. Each accessory farm dwelling meets all the following requirements:

   a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round
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assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

b. The accessory farm dwelling will be located:

i. On the same lot or parcel as the primary farm dwelling;

ii. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;

iii. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the County Department of Records and Assessment and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party, unless it is reapproved under these provisions;

iv. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. “Farmworker housing” shall have the meaning set forth in ORS 215.278 and not the meaning in 315.163; or

v. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80-acres in size and the lot or parcel complies with the gross farm income requirements in Section 3.06 (B) or (C); and

c. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

2. In addition to the requirements in Subsection (1), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
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a. On land not identified as high-value farmland, the primary farm dwelling meets the requirements of Section 3.06.B.

b. On land identified as high-value farmland, the primary farm dwelling meets the requirements of Section 3.06.C

c. It is located on a commercial dairy farm as defined in Section 3.06.E.7 and meets the requirements of Section 3.06.F.5.

3. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this Ordinance, a parcel may be created consistent with the minimum parcel size requirements in Section 3.15.D.

4. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use per Section 3.09.

5. For purposes of this subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

6. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farm. “Relative” means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator.

B. Farming of a marijuana or psilocybin producing fungi crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.

Section 3.08 Lot of Record Dwellings

A. Lot of Record Dwelling

1. A dwelling may be approved on a pre-existing lot or parcel if:

   a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (5):

      i. Since prior to January 1, 1985; or

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

   b. The tract on which the dwelling will be sited does not include a dwelling;
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c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

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

e. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections (3) or (4); and

f. When the lot or parcel on which the dwelling will be sited lies within an area designated in the Comprehensive Plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

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

3. Notwithstanding the requirements of Subsection (1)(e) above, a single-family dwelling may be sited on high-value farmland if it meets the requirements below or in the subsequent Subsection (4):

   a. It meets the other requirements of Subsections (1) and (2);

   b. The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);

   c. The planning director or hearings officer of a county determines that:

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

         (i) For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot of parcel cannot be practicably managed for farm use.
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(ii) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.

(iii) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use.

d. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 3.09.A.3

4. Notwithstanding the requirements of Subsection (1)(e) above, a single-family dwelling may be sited on high-value farmland if it meets the requirements below or in the preceding Subsection (3) above:

a. It meets the other requirements of Subsections (1) and (2);

b. The tract on which the dwelling will be sited is:

   i. Not high-value farmland defined in Section 3.03; and

   ii. Twenty-one acres or less in size; and

   c. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21-acres, and at least two such tracts had dwellings on January 1, 1993; or

   d. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21-acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

   e. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21-acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot.
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Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:

i. “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

ii. “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.

5. For purposes of Subsection (1), “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

6. The County Department of Records and Assessment shall be notified that the governing body intends to allow the dwelling.

7. An approved single-family dwelling under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

8. The county shall provide notice of all applications for lot of record dwellings on high-value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the decision.

9. The dwelling will be consistent with density limitations that protect Goal 5 – big game wildlife habitat.

10. The dwelling is subject to Section 3.15, and Article 50 – Buffer Requirements including a deed notification, and with other applicable requirements of the Comprehensive Plan.

Section 3.09 Dwellings Not in Conjunction with Farm Use

A. Non-farm dwelling. A non-farm dwelling sited on a parcel is subject to the following requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
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2. The following applies to non-farm dwellings:

   a. The dwelling, including essential or accessory improvements or structure, is situated upon a new parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or new parcel or portion of an existing parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

   b. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable". A new parcel or portion of an existing lot or parcel is presumed to be suitable if composed predominately of Class I-IV soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

   c. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in OAR 660-033-0130(4)(a)(D). If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the
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detriment of agriculture in the area by applying the standards set forth in OAR 660-033-0130(4)(a)(D); and

4. If a single-family dwelling is established on a lot or parcel as set forth in 3.08 (Lot of Record Dwelling) no additional dwelling may later be sited under the provisions of this section.

Section 3.10 Replacement, Alteration or Restoration of a Lawfully-Established Dwelling

A. Any lawfully established permanent dwelling may be replaced, altered or restored if, at the time when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

1. The dwelling to be altered, restored or replaced has, or formerly had:
   a. Intact exterior walls and roof structure;
   b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
   c. Interior wiring for interior lights;
   d. A heating system; and
   e. The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.

2. Notwithstanding Subsection (1)(e) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
   a. The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
   b. The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. “Improperly removed” means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

B. For replacement of a lawfully established dwelling:
1. The dwelling to be replaced must be removed, demolished or permanently converted to an allowable non-residential use:

   a. Before the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

   b. Unless otherwise allowed by the Planning Director due to special circumstances, a written agreement stating the existing dwellings shall be removed, demolished, or permanently converted into a non-residential use within 90 days or less of the new dwelling being occupied; or

   c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.

2. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been converted to a non-residential use and will not be re-established or re-occupied as a residence in the future, unless otherwise authorized by law and approved through a separate application.

3. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director’s designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

4. As a condition of approval, it is stated the dwelling to be replaced will continue to comply with any conditions imposed as part of the original or the most recent approval.

C. A replacement dwelling must comply with applicable building, plumbing, electric and sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

1. The siting standards of Subsection (2) below apply when a dwelling qualifies for replacement because the dwelling:

   a. Formerly had the features described in Subsection A(1) above;
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b. Was removed from the tax roll as described in Subsection A(2) above; or

c. Had a permit that expired as described under Subsection D(3) below.

2. The replacement dwelling must be sited on the same lot or parcel:

   a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

   b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

3. Replacement dwellings that currently have the features described in Subsection A(1) above and that have been on the tax roll as described in Subsection A(2) above may be sited on any part of the same lot or parcel.

D. A lawfully established accessory farm dwelling, including but not necessarily limited to a farmworker cabin, bunkhouse, or other similar dwelling that does not comply with the requirements of Section 3.10(A)(1) above, may be replaced with a similar type dwelling, subject to the following:

1. The replacement dwelling is designed for occupancy by an employee(s) of an existing onsite commercial farm operation.

2. The replacement dwelling shall be occupied by a person(s) who is actively employed to work on the onsite farm, including their immediate family.

3. The replacement dwelling shall be sized to accommodate a similar number of farmworkers as the existing farm dwelling, unless otherwise allowed as part of a new application based on the requirements of Section 3.07.

4. The subject tract is currently employed for farm use and is able to meet the income requirements provided in Sections 3.06(C)(1) and (4).

5. If the replacement dwelling is no longer required for use by an employee(s) of the onsite farm, it shall either be removed, demolished, or converted into an allowable non-residential use.

E. Replacement of seasonal farmworker housing:

1. Shall be used in the same manner as an accessory farm dwelling and for the same purposes.
2. May be larger than the original structures.

3. May continue to use shared cooking, toilet and bathing facilities connected to a sanitary waste disposal system.

F. Upon request from an application, deferred replacement may be authorized, allowing the replacement dwelling to be constructed or placed at any time in the future. The deferred replacement allows a property owner to remove a dwelling meeting the criteria from Section 3.10 (A)(1) above, with the guarantee that the removed dwelling can be replaced at any time in the future, subject to the following:

1. The dwelling to be replaced shall be removed or demolished within three months after the deferred replacement permit is issued.

2. The replacement dwelling shall comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting that are in effect at the time of construction.

3. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

G. A replacement dwelling permit that is issued (Type II review if):

1. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
   a. Formerly had the features described in Subsection A(1) above; or
   b. Was removed from the tax roll as described in Subsection A(2) above;

2. Is not subject to the time to act limits of ORS 215.417; and

3. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
   a. Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
   b. Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

Section 3.11 Wineries or Cider Businesses

A. A winery or cider business may be established as a permitted use if the proposed winery or cider business will produce wine or cider with a maximum annual production of:
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1. **Winery** - Less than 50,000 gallons and the winery operator:

   a. Owns an on-site vineyard of at least 15-acres;
   
   b. Owns a contiguous vineyard of at least 15-acres;
   
   c. Has a long-term contract for the purchase of all of the grapes from at least 15-acres of a vineyard contiguous to the winery; or
   
   d. Obtains grapes from any combination of Subsection (1)(a), (b) or (c); or

2. At least 50,000 gallons and the winery operator:

   a. Owns an on-site vineyard of at least 40-acres;
   
   b. Owns a contiguous vineyard of at least 40-acres;
   
   c. Has a long-term contract for the purchase of all of the grapes from at least 40-acres of a vineyard contiguous to the winery;
   
   d. Owns an on-site vineyard of at least 15-acres on a tract of at least 40-acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
   
   e. Obtains grapes from any combination of Subsection (2)(a), (b), (c) or (d).

3. **Cider Business** - Less than 100,000 gallons of cider annually and the cider business:

   a. Owns an on-site orchard of at least 15 acres;
   
   b. Owns a contiguous orchard of at least 15 acres;
   
   c. Has a long-term contract for the purchase of all of the apples or pears from at least 15 acres of an orchard contiguous to the cider business; or
   
   d. Obtains apples or pears from any combination of Subsection (a), (b) or (c) of this paragraph; or

4. At least 100,000 gallons of cider annually and the cider business:

   a. Owns an on-site orchard of at least 40 acres;
   
   b. Owns a contiguous orchard of at least 40 acres;
   
   c. Has a long-term contract for the purchase of all of the apples or pears from at least 40 acres of an orchard contiguous to the cider business;
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d. Owns an on-site orchard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of orchards in Oregon that are located within 15 miles of the cider business site; or

e. Obtains apples or pears from any combination of Subsection (a), (b), (c) or (c) of this paragraph.

B. In addition to producing and distributing wine or cider, a winery or cider business established under this section may:

1. Market and sell wine or cider produced in conjunction with the winery or cider business.

2. Conduct operations that are directly related to the sale or marketing of wine or cider produced in conjunction with the winery or cider business, including:
   a. Wine or cider tastings in a tasting room or other location on the premises occupied by the winery or cider business;
   
   b. Wine or cider club activities;
   
   c. Winemaker or cidermaker luncheons and dinners;
   
   d. Winery or cider business associated tours of vineyard or orchard;
   
   e. Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine or cider industry members;
   
   f. Winery or cider business staff activities;
   
   g. Open house promotions of wine or cider produced in conjunction with the winery or cider business; and
   
   h. Similar activities conducted for the primary purpose of promoting wine or cider produced in conjunction with the winery or cider business.

3. Market and sell items directly related to the sale or promotion of wine or cider produced in conjunction with the winery or cider business, the marketing and sale of which is incidental to on-site retail sale of wine or cider, including food and beverages:

   a. Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
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b. Served in conjunction with an activity authorized by Subsections B(2), (4) or (5).

4. Carry out agri-tourism or other commercial events on the tract occupied by the winery or cider business subject to Subsection E.

5. Host charitable activities for which the winery or cider business does not charge a facility rental fee.

C. A winery or cider business may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection B(3). Food and beverage services authorized under Subsection B(3) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

D. The gross income of the winery or cider business from the sale of incidental items or services provided pursuant to Subsection B(3) to (5) may not exceed 25 percent of the gross income from the on-site retail sale of wine or cider produced in conjunction with the winery or cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the county, the winery or cider business shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this subsection for the previous tax year.

E. A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery or cider business. If a winery or cider business conducts agri-tourism or other commercial events authorized under this Section, the winery or cider business may not conduct agri-tourism or other commercial events or activities authorized by Section 3.12.A to C.

F. A winery or cider business operating under this section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery or cider business is established.

G. Prior to the issuance of a permit to establish a winery or cider business under Subsection A, the applicant shall show that vineyards or orchards described in Subsection A have been planted or that the contract has been executed, as applicable.

H. Standards imposed on the siting of a winery or cider business shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
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1. Establishment of a setback of at least 100-feet from all property lines for the winery or cider business and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100-feet; and

2. Provision of direct road access and internal circulation.

I. In addition to a winery permitted in Subsections A to H, a winery may be sited on a tract of 80-acres or more where the requirements of OAR 215.453 are met (not applicable to cider business).

Section 3.12 Agri-tourism Events or Activities

The following agri-tourism events or activities that are related to and supportive of agriculture may be established:

A. In the alternative to 3.12 Subsections (B) and (C) below, the county may authorize, through an expedited, single-event license, a single agri-tourism event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

1. Must be incidental and subordinate to existing farm use on the tract;

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

3. May not involve more than 50 attendees or 25 vehicles;

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

5. May not require or involve the construction or use of any new permanent structure in connection with the agri-tourism event or activity;

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

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

B. A single agri-tourism event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the
agri-tourism or other commercial event or activity meets any local standards that apply, and:

1. The agri-tourism event or activity is incidental and subordinate to existing farm use on the tract;
2. The duration of the agri-tourism event or activity does not exceed 72 consecutive hours;
3. The maximum attendance at the agri-tourism event or activity does not exceed 250 people;
4. The maximum number of motor vehicles parked at the site of the agri-tourism event or activity does not exceed 125 vehicles;
5. The agri-tourism event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements;
6. Must comply with the Conditional Use Review Standards described in Section 3.05; and
7. The agri-tourism event or activity complies with conditions established for:
   a. Planned hours of operation;
   b. Access, egress and parking;
   c. A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and
   d. Sanitation and solid waste.
8. Must be located on a tract of at least 10-acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
9. A permit authorized by this subsection shall be valid for one-calendar year. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection (B), any local standards that apply and conditions that apply to the permit or to the agri-tourism events or activities authorized by the permit.

C. In the alternative to Subsections (A) and (B), the county may authorize up to six agri-tourism events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the
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tract. The agri-tourism events or activities must meet any local standards that apply, and the agri-tourism events or activities:

1. Must be incidental and subordinate to existing farm use on the tract;

2. May not, individually, exceed a duration of 72 consecutive hours, exceed 250 attendees and 125 vehicles;

3. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism events or activities;

4. Must comply with the Conditional Use Review Standards described in Section 3.05;

5. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

6. Must comply with conditions established for:

   a. The types of agri-tourism events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism events and activities, the anticipated daily attendance and the hours of operation;

   b. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism events or activities;

   c. The location of access and egress and parking facilities to be used in connection with the agri-tourism events or activities;

   d. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

   e. Sanitation and solid waste.

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

8. A permit authorized by this subsection shall be valid for one-calendar year. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection (C), any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

D. Temporary structures established in connection with agri-tourism events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism
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event or activity. Alteration to the land in connection with an agri-tourism event or activity including, but not limited to, grading, filling or paving, are not permitted.

E. The authorizations provided by this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism events and activities.

Section 3.13 Commercial Facilities for Generating Power

A. Commercial Power Generating Facility.

1. Permanent features of a power generation facility shall not preclude more than:
   a. 12-acres from use as a commercial agricultural enterprise on high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
   b. 20-acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

2. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

B. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the definitions and provisions provided for in OAR 660-033-0130 (38).

Section 3.14 Land Divisions

A. Minimum Parcel Size. The minimum size for creation of a new parcel shall be 80-acres.

B. A division of land to accommodate a use permitted in Table 3.02, except a residential use, smaller than the minimum parcel size provided in Subsection (A) above may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

C. A division of land to create up to two new parcels smaller than the minimum size established under Subsection (A) above, each to contain a dwelling not provided in
conjunction with farm use, may be permitted if the provisions of ORS 215.263(4)(a) can be met.

D. A land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to ORS 215.284(1) may not be approved.

E. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling, not provided in conjunction with farm use, may be permitted if the provisions of ORS 215.263(4)(b) can be met.

F. This section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

G. This section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

H. This section does not allow division of a lot or parcel described in Section 3.04.D (relative farm help dwelling) and Section 3.04.E (temporary hardship dwelling).

I. This section does not allow division of a lot or parcel that separates a processing facility from the farm operation specified in Table 3.02.

J. A division of land may be approved provided:

1. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

2. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

3. A parcel created pursuant to this subsection that does not contain a dwelling:

   a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

   b. May not be considered in approving or denying an application for siting any other dwelling;

   c. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

   d. May not be smaller than 25-acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of
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a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000-acres of open space or park property.

4. A division of land smaller than the minimum lot or parcel size in Subsection (A) above may be approved provided for the purpose of establishing a church or rural fire station, pursuant to ORS 215.263.

K. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:

1. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.

2. If the parcel does not contain a dwelling, it:
   (i) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
   (ii) May not be considered in approving or denying an application for any other dwelling; and
   (iii) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space or other natural resource area.

Section 3.15 Dimensional & Site Development Standards

The following standards are the minimum applicable to all new dwellings / buildings and replacement dwellings / buildings located on a completely different site, unless required by other provisions of this article:

A. Article 50: Buffer requirements shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, hardship dwellings in conjunction with a pre-existing non-conforming dwelling, and certain replacement dwellings, as described below. The more restrictive provisions in Article 50 or this section shall apply.

In the case of a replacement dwelling, the buffer requirements do not apply unless the dwelling is located on a completely different site. The new dwelling cannot protrude any further into the buffer unless an alternate buffer, such as a vegetative screen, berm, or sight obscuring fence is provided in compliance with Article 50 requirements.

*The more restrictive provisions in Article 50 or this section shall apply.*

B. Maximum height: 35-feet.
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C. Setbacks, minimum:

1. **Front:** 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.

2. **Rear:** 20-feet; agricultural building and equine facilities buildings: 10-feet.

3. **Side:** Interior parcel: 10-feet; Exterior or corner parcel: 50-feet from the centerline of any street.

4. **Streams:** New buildings shall be setback 100-feet from ordinary high water line unless in conjunction with a water-related or water dependent use.

D. **Minimum lot or parcel size:** 80-acres

E. **Minimum lot frontage:** 50-feet

F. **Minimum vision clearance:** 35-feet

G. **Signs exceeding 32 square feet are prohibited in the EFU zone, with the following exceptions:**

1. Oregon State Highway Division signs;

2. Sponsor signs if:

   a. The sign is part of a wall or fence surrounding an outdoor sports facility;

   b. The sign does not exceed a maximum height of eight-feet and total area does not exceed 64 square feet;

   c. The sign is on the interior of the wall/fence;

   d. The structure shall comply with Section 3.15 C and F regarding setback and vision clearance.

3. Signs approved under Subsection G are required to obtain a building permit, unless otherwise allowed by the County Building Official.

4. With the exception of farm stands and the requirements of Section 3.04.G no more than one sign is allowed per parcel.
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Section 3.16 Approval Period & Time Extensions¹

A. Except as provided for in Section B. below and for land divisions, a decision approving a development or use on EFU zoned land shall be valid two-years from the date of the final decision. In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

1. An initial extension period of up to one year shall be granted if:

   a. The applicant makes a written request for the extension prior to the expiration date;
   b. The applicant states reasons that prevented them from beginning or continuing development within the approval period; and
   c. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

2. Up to two additional one-year extensions may be authorized where the criteria from Section (A)(1) above are met and applicable criteria for the decision have not changed.

3. Pursuant to OAR 660-033-0140(3), approval of an extension granted under this Section is a ministerial decision, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.

B. Pursuant to ORS 215.417, when a permit is approved for a proposed residential development (except for primary farm dwellings, accessory farm dwellings, and relative farm help dwellings) on EFU zoned land, the permit shall be valid for four-years from the date of the final decision. In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

1. An extension of a residential development permit shall be valid for two-years, when an applicant submits to the County a written request for an extension of the development approval period, along with the appropriate fee, prior to the expiration date.

2. Up to two additional one-year extensions may be authorized where applicable criteria for the decision have not changed if:

¹ Section 3.16(A) and (B) were amended via Ordinance #372 on June 21, 2021
a. The applicant makes a written request for the additional extension prior to the expiration date;

b. The applicable residential development statute has not been amended following the approval of the permit, except the amendments to ORS 215.750 by section 1, chapter 433, Oregon Laws 2019; and

c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the County, which may require that the applicant comply with the amended rule or land use regulation.

3. Pursuant to ORS 215.417(3), approval of an extension granted under this Section is a ministerial decision, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.
Article 4 – Forest Zones

ARTICLE 4 – FOREST (F-1) & PRIMARY FOREST (F-2) ZONES

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Section 4.01 Purpose
The purpose of the Forest (F-1) Zone is to assure the continuous growing and harvesting of trees consistent with management of soil, air, water and fish and wildlife, and while providing for agriculture and recreation. The zone is intended to conserve and maintain forestland and protect it from conflicting development. The F-1 Zone is applied to forestland that is generally more developed and parcelized. The F-1 Zone implements the Forest designation of the Comprehensive Plan, and is intended to comply with the requirements of State law.

The purpose of the Primary Forest (F-2) Zone is to assure the continuous growing and harvesting of trees. In addition, the following factors may also be considered: to conserve forest land for forest uses; to protect forest land from non-compatible uses; and to provide for agriculture, recreation, and the management of soil, air, water and fish and wildlife. The F-2 Zone is applied to land generally managed for commercial forestry and to land that is less developed. The F-2 Zone implements the Primary Forest plan designation and is intended to comply with the requirements of State law.

Uses allowed by this article are pursuant and in accordance with OAR 660, Division 6, OAR 629 & ORS 527, unless otherwise provided for. This article is intended to protect the County's more productive resource land from the detrimental effects of uses not related to forestry and agriculture.

Section 4.02 Use Table
Table 4.02 sets forth the uses allowed in the Forest (F-1) or Primary Forest (F-2) zones. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table.
Article 4 – Forest Zones

4.02. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance.

A. As Used in Table 4.02:
   1. “A” means the use is allowed outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Ordinance and do not require land use review.
   2. “P” means the use is prohibited.
   3. “C” means the use is a Conditional Use, approval of which is subject to Section 4.05, Conditional Use Review and other listed criteria.
   4. The “Subject To” column identifies certain provisions to which the use is subject.
   5. “Type I” uses (Ministerial Review) are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment.
   6. “Type II” uses (Administrative Actions) involve permits, including both permitted uses subject to standards and conditional uses, for which the application of review criteria requires the exercise of limited discretion. These decisions require a notice of decision, and opportunity for appeal and public hearing.
   7. “Type III” uses require a public hearing. Decisions are made by the hearings officer or planning commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.

B. Permitted Uses – Permitted uses are subject to the applicable provisions of:

- Section 4.06 Siting Standards for Dwellings and Structures;
- Section 4.07 Fire-Siting Standards for Dwellings and Structures;
- Section 4.10 Dimensional & Site Development Standards; and,
- Other applicable Articles of the Hood River County Zoning Ordinance.

C. Prohibited Uses – Uses of structures, buildings and land use not specifically permitted are prohibited.
## Article 4 – Forest Zones

### Table 4.02 Use Table for Forest (F-1) & Primary Forest (F-2) Zone

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Forest, Farm and Natural Resource Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Farm use as defined in ORS 215.203</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Farm use, marijuana production</td>
<td>Type I</td>
<td>Article 53</td>
</tr>
<tr>
<td>Farm use, psilocybin production</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Marijuana processing, wholesaling, retailing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Psilocybin processing</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Uninhabitable structures accessory to fish and wildlife enhancement</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Uses and structures (e.g., Agricultural or Ag-Exempt Buildings) customarily accessory and incidental to a farm or forest uses, only if primary farm and forest use exist</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Temporary portable facility for the primary processing of forest products</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Permanent facility for the primary processing of forest products that is: (a) located in a building, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and (b) adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Permanent logging equipment repair and storage</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Log scaling and weigh stations</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Forest management research and experimentation facilities as defined by ORS 526.215</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Caretaker residences for public parks and public fish hatcheries</td>
<td>Type II</td>
<td>Section 4.04.F</td>
</tr>
</tbody>
</table>
### Article 4 – Forest Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large tract forest dwelling</td>
<td>Type II</td>
<td>Section 4.04.A Section 4.04.F</td>
</tr>
<tr>
<td>Lot of record dwelling</td>
<td>Type II</td>
<td>Section 4.04.B Section 4.04.F</td>
</tr>
<tr>
<td>Template dwelling (allowed only in F-1 zone)</td>
<td>Type II</td>
<td>Section 4.04.C Section 4.04.D</td>
</tr>
<tr>
<td>Replacement, alteration, or restoration of a lawfully established dwelling</td>
<td>Type I</td>
<td>Section 4.04.E Section 4.04.F</td>
</tr>
<tr>
<td>Temporary hardship dwelling</td>
<td>C (Type II)</td>
<td>Section 4.04.E Section 4.05</td>
</tr>
<tr>
<td>Temporary forest labor camps</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
</tbody>
</table>

#### Commercial Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial activity carried on in conjunction with a marijuana or psilocybin producing fungi crop, including a psilocybin service center.</td>
<td>P</td>
<td>Section 4.04.F Section 4.05</td>
</tr>
<tr>
<td>Home occupation</td>
<td>C (Type II)</td>
<td>Section 4.04.G Section 4.05</td>
</tr>
<tr>
<td>Home occupation involving short-term rental</td>
<td>C (Type II)</td>
<td>Section 4.04.G Section 4.05</td>
</tr>
<tr>
<td>Home occupation involving Bed and Breakfast Facility in existing dwelling</td>
<td>C (Type II)</td>
<td>Section 4.04.G Section 4.05</td>
</tr>
<tr>
<td>Home occupation to host weddings and related events. Home Occupations to host weddings and related events are not allowed in the F-2 zone (Primary Forest)</td>
<td>C (Type II)</td>
<td>Section 4.04.G Section 4.05</td>
</tr>
<tr>
<td>Parking of up to seven dump trucks and trailers</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Private hunting and fishing operations without any lodging accommodations</td>
<td>A</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Private seasonal accommodations for fee hunting operations and private accommodation for fishing occupied on a temporary basis</td>
<td>C (Type II)</td>
<td>Section 4.04.H Section 4.05</td>
</tr>
<tr>
<td>Destination resort</td>
<td>P</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Farm stand</td>
<td>P</td>
<td>Section 4.05</td>
</tr>
</tbody>
</table>

#### Mineral, Aggregate, Oil and Gas Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exploration for mineral and aggregate resources as defined in ORS chapter 517</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted (e.g. compressors, separators and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517</td>
<td>C (Type III)</td>
<td>Section 4.05</td>
</tr>
</tbody>
</table>
### Article 4 – Forest Zones

#### Table 4.02: Use Table for Forest Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publicly owned operations for the mining and processing of aggregate</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Temporary asphalt and concrete batch plants as accessory uses to specific highway projects</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
</tbody>
</table>

**Transportation Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climbing and passing lanes within the right of way existing as of July 1, 1987</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels</td>
<td>C (Type II)</td>
<td>Section 4.05 Article 55.60</td>
</tr>
<tr>
<td>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.</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Improvement of public road 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</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Expansion of existing airports</td>
<td>C (Type III)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Temporary asphalt and concrete batch plants as accessory uses to specific highway projects</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
</tbody>
</table>

**Utility, Power Generation, Solid Waste Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility facility service/local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Solar energy systems as an accessory use (non-commercial)</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Wind energy power production systems as an accessory use (non-commercial)</td>
<td>Type I</td>
<td>Section 4.10 Article 74</td>
</tr>
<tr>
<td>Rainwater collection system as an accessory uses (non-commercial)</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Electric vehicle charging stations for residents and their non-paying guests</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Water intake facilities, canals and distribution lines for farm irrigation and ponds</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Review Type</td>
<td>SUBJECT TO</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Water intake facilities, related treatment facilities, pumping stations and distribution lines not related to farm irrigation and ponds</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Collocation of antennas and wireless telecommunication facilities, including associated equipment (e.g. equipment shelters), on a previously approved wireless telecommunication facility</td>
<td>Type I</td>
<td>Section 4.10 Article 74</td>
</tr>
<tr>
<td>Communication facilities and towers supporting wireless telecommunication facilities</td>
<td>C (Type II)</td>
<td>Section 4.05 Article 74</td>
</tr>
<tr>
<td>New electric transmission lines with right-of-way widths of up to 100-feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50-feet or less in width</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Reservoirs and water impoundments</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Disposal site for solid waste approved by the governing body and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation</td>
<td>C (Type III)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Commercial utility facilities for the purpose of generating power</td>
<td>C (Type III)</td>
<td>Section 4.04.1 Section 4.05</td>
</tr>
<tr>
<td>Wrecking and junk yards</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Billboards and signs exceeding 32 square feet, except as otherwise allowed per 4.10.G</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

**Public and Quasi-public Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Towers and fire stations for forest fire protection</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Fire service facilities providing rural fire protection services</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Aids to navigation and aviation</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Firearms training facility serving the public</td>
<td>Type I</td>
<td>Section 4.10</td>
</tr>
<tr>
<td>Private firearms training facility as provided in ORS 197.770(2)</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>C (Type II)</td>
<td>Section 4.05</td>
</tr>
<tr>
<td>Storage structures for emergency supplies, as defined in Section 4.03</td>
<td>C (Type II)</td>
<td>Section 4.04.J Section 4.10</td>
</tr>
<tr>
<td>Publicly owned parks, playground and campgrounds</td>
<td>C (Type II)</td>
<td>Section 4.04.K Section 4.05</td>
</tr>
<tr>
<td>Private campgrounds and campsites</td>
<td>C (Type II)</td>
<td>Section 4.04.L Section 4.05</td>
</tr>
<tr>
<td>Youth camps</td>
<td>C (Type III)</td>
<td>Section 4.04.M Section 4.05</td>
</tr>
</tbody>
</table>

**Outdoor Gatherings**

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.</td>
<td>A</td>
<td>Board of County Commissioner Review</td>
</tr>
</tbody>
</table>
Table 4.02: Use Table for Forest Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Review Type</th>
<th>SUBJECT TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any outdoor mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

**Section 4.03 Definitions**

Words used in the present tense include the future; the singular number includes the plural; and the word “shall” is mandatory and not directory. Whenever the term “this Ordinance” is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. For the purpose of this Article, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

A. Definitions contained in ORS 197.015 and the Statewide Planning Goals.

B. Auxiliary Use: A use or alteration of a structure or land that supports or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

C. Cubic Foot Per Acre: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service soil survey. Where SCS data are not available or are shown to be inaccurate, an alternative method may be used. An alternative method must provide equivalent data and be an accepted standard by the Oregon Department of Forestry.

D. Cubic Foot Per Tract Per Year: The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service soil survey. Where SCS data are not available or are shown to be inaccurate, an alternative method may be used. An alternative method must provide equivalent data and be an accepted standard by the Oregon Department of Forestry.

E. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
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F. **Forest Tree Species:** Trees recognized for commercial production under rules adopted pursuant to ORS 527.620(12).

G. **Primary Processing of Forest Products:** The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

H. **Storage Structures for Emergency Supplies:** Structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

I. **Temporary Structures:** Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc.

J. **Youth Camp:** A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

**Section 4.04 Use Standards**

A. **Large Tract Forest Dwelling** authorized under ORS 215.740 may be allowed on land zoned F-1 or F-2 if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:

1. The tract is at least 160 contiguous acres or 200-acres in one ownership that are not contiguous but in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to Subsection (3) for all tracts that are used to meet the acreage requirements of this subsection.

2. A tract shall not be considered to consist of less than 160-acres because it is crossed by a public road or a waterway.

3. Where one or more lot or parcel are required to meet minimum acreage requirements:
Article 4 – Forest Zones

a. The applicant shall provide evidence that the covenants, conditions and restrictions form, adopted as "Exhibit A" in OAR chapter 660, division 6 and provided by the County Planning Department has been recorded with the County Department of Records and Assessment or counties where the property subject to the covenants, conditions and restrictions is located.

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

B. Lot of Record Dwelling

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (4):
   a. Since prior to January 1, 1985; or
   b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

2. The tract on which the dwelling will be sited does not include a dwelling.

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

4. For purposes of this Subsection, “owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

5. The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500-feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
   a. A United States Bureau of Land Management road; or
   b. A United States Forest Service road unless the road is paved to a minimum width of 18-feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

6. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting
Article 4 – Forest Zones

of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

7. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

8. An approved single-family dwelling under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

C. Forest “Template” Dwelling authorized under ORS 215.750 on a lot or parcel located within the F-1 zone if the lot or parcel is predominantly composed of soils that are:

1. Capable of producing zero to 49 cubic per acre per year of wood fiber if:
   a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
   b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
   a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
   b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
   a. All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
   b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.

5. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
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6. Except as provided by Subsection (7), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

7. The following applies where a tract 60-acres or larger abuts a road or perennial stream:

   a. One of the three required dwellings shall be on the same side of the road or stream as the tract, and:

      i. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
      ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

   b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

8. A proposed “template” dwelling under this Ordinance is not allowed:

   a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
   b. Unless it complies with the requirements of Section 4.06 and 4.07;
   c. Unless deed restrictions are recorded pursuant to Subsection (A.3) above for all other lots or parcels that make up the tract;
   d. If the tract on which the dwelling will be sited includes a dwelling; or
   e. If the property is zoned F-2.

D. Replacement, alteration or restoration of a lawfully established permanent dwelling (i.e., large tract, lot of record, template), subject to the following requirements:

1. The existing dwelling has:

   a. Intact exterior walls and roof structure;
   b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
   c. Interior wiring for interior lights; and
   d. A heating system.
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2. For replacement dwellings:
   a. The existing dwelling shall be removed, demolished or converted to an allowable non-residential use before the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
   b. The replacement dwelling shall:
      i. Overlap a portion of the original building footprint and shall meet the fire siting standards in Section 4.07; or
      ii. If on a completely different site, comply with Section 4.06, Section 4.07, Section 4.09, and Section 4.10; and with Article 50 - Buffer Requirements.
      iii. The replacement dwelling shall comply with all other applicable provisions of the Comprehensive Plan.

E. Temporary Hardship Dwelling, is subject to the following:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

   a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;
   b. The applicant shall renew the permit every two-years for it to remain valid. Upon renewal, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;
   c. Within three-months of the end of the hardship, the temporary hardship dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
   d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.

2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:

   a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.

3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.

4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

5. A property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists may not be approved.

F. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

G. Home Occupation, subject to the following:

1. Located and used subject to the definition of “Home Occupation” in Article 3 and meet the Home Occupation Standards in Article 53 of this Ordinance.

2. Home occupation involving a Bed and Breakfast subject to Article 56.

3. Home occupation to host weddings and related events subject to Article 73.

4. Home occupation involving short-term rental subject to Article 53.

H. Private seasonal accommodations for fee hunting operations and private accommodations for fishing, occupied on a temporary basis are subject to the following requirements:

1. Accommodations are limited to no more than 15-guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted; and

3. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
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4. Accommodations for fishing must be located within one-quarter mile of fish-bearing Type F waters.

I. Commercial Utility Facility for the purpose of generating power shall not remove more than 10-acres from use as a commercial forest operation.

J. Storage Structures for Emergency Supplies are subject to the following requirements:

1. Areas within an urban growth boundary cannot reasonably accommodate the structures;

2. Sites where the structures could be co-located with an existing use approved under this Subsection are given preference for consideration;

3. The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;

4. The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and

5. Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.

K. Publicly Owned Parks, Playground and Campgrounds may include:

1. All outdoor recreation uses allowed under Statewide Planning Goal 4.

2. The following uses:

   a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
   b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
   c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
   d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
   e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;
   f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water
management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;

g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and

h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education.

L. Private Campgrounds and Campsites.

1. Campgrounds in private parks may be permitted, subject to the following:

   a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

   b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

   c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

   d. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30-days during any consecutive six-month period.

2. Campsites within campgrounds meeting the requirement of Subsection (1) above and permitted pursuant to Section 4.05 must comply with the following:

   a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Subsection (c) below.

   b. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.

   c. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
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M. The establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and compatible with the forest environment may be permitted, subject to the provisions of OAR 660-006-0031 and ORS 215.457.

Section 4.05 Conditional Use Review Criteria
A use identified as a conditional use in Table 4.02 of this zone may be allowed provided the applicant demonstrates compliance with the following criteria (or their equivalent). These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on surrounding lands devoted to forest or agriculture uses.

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this Ordinance and the following general criteria:

1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;

2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;

3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;

4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use (e.g., water, sewer and access); and

5. The use is or can be made compatible with existing uses and other allowable uses in the area and does not negatively affect the health or safety of surrounding uses or residents.

D. Prior to issuance of a building permit for a dwelling or establishing a conditional use, as provided in section 4.05, a written statement consistent with ORS 215.293 and Article 50 shall be recorded with the deed or written contract with the County; unless noted otherwise.
Section 4.06  Siting Standards for Dwellings and Structures
The following siting criteria or their equivalent shall apply to all new dwellings and structures in the F-1 and F-2 zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The County shall consider the criteria in this section together with the requirements of Section 4.07 to identify the building site:

A. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands;

2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized;

4. The risks associated with wildfire are minimized.

B. Siting criteria satisfying Subsection (A) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

C. Dwellings shall comply with applicable provisions of Article 50 – Buffer Requirements.

D. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Type F of Type N streams as defined in the Forest Practices rules (OAR chapter 629-635-0200). For purposes of this section, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;

2. A water use permit issued by the Water Resources Department for the use described in the application; or

3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
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E. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

F. Approval of a dwelling shall be subject to the following requirements:

1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of seedlings, saplings, poles, or trees are on the tract, and if not to plant sufficient seedlings on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules OAR 629-610-0020;

2. The planning department shall notify the County Department of Records and Assessment of the above condition at the time the dwelling is approved;

3. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; and

4. If the lot or parcel is more than 10-acres the property owner shall:

   a. Submit a stocking survey report by a professional forester to the County Department of Records and Assessment and they will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
   b. Upon notification by the County Department of Records and Assessment, it will be determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If it is determined that the tract does not meet those requirements, Records and Assessment will notify the owner that the land is not being managed as forest land. The County Department of Records and Assessment will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

Section 4.07 Fire-Siting Standards for Dwellings and Structures
The following fire-siting standards or their equivalent shall apply to all new dwellings or structures in the F-1 and F-2 zones:
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A. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that they have asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:

1. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

2. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

3. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and

4. Road access shall be provided to within 15-feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

B. Road access to the dwelling shall meet road design standards described in Section 4.09.

C. A 50-foot primary fuel break plus a 100-foot secondary fuel break shall be cleared and maintained surrounding all dwellings and structures. Land owned or controlled by the owner that is too small to accommodate the fuel breaks shall be subject to Subsection (G). The primary fuel break shall not contain vegetation that will produce flame lengths in excess of one foot. The secondary fuel break shall reduce vegetation so that the intensity and likelihood of crown fires and crowning is reduced. Secondary fuel breaks shall be increased on the downslope side: 50-feet for 10% slope; 75-feet for 20%/a slope; 100-feet for 25% slope; or 150-feet for 40% slope.

Fire Siting Standards for Dwellings and Fire Safety Design Standards handouts are available at the Planning Department.

D. The dwelling shall have a fire retardant roof.

E. The dwelling shall not be sited on a slope of greater than 40 percent.

F. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
G. Exceptions to Section 4.07 may be approved if equivalent fire protection standards are submitted by a qualified forest fire professional. Exceptions to Section 4.07.A must include the water standards and road standards of Section 4.07.B. Submittals require approval by the Planning Director.

Section 4.08 Land Divisions

A. The minimum parcel size for new forest parcels is 80-acres.

B. New land divisions less than the parcel size in Subsection (A) above may be approved for any of the following circumstances:

1. The following uses in Table 4.02 may be approved pursuant to the criteria in Section 4.05 and provided that the parcel created from the division is the minimum size necessary for the use:

   a. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
   b. Disposal site for solid waste
   c. Log scaling and weigh stations
   d. Permanent facility for the primary processing of forest products
   e. Permanent logging equipment repair and storage
   f. Mining and processing of oil, gas, or other subsurface resources
   g. Television, microwave and radio communication facilities and transmission towers
   h. Water intake facilities, related treatment facilities, pumping stations, and distribution lines
   i. Cemeteries
   j. Publicly owned parks, playground and campgrounds
   k. Private parks (campgrounds and campsites)
   l. Fire stations for rural fire protection
   m. Utility facilities for the purpose of generating power
   n. Aids to navigation and aviation
   o. Reservoirs and water impoundments
   p. Firearm training facility

2. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (A) above, approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection
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(A) above in order to conduct the forest practice. Parcels created pursuant to this Subsection:

a. Are not eligible for siting of a new dwelling;

b. May not serve as the justification for the siting of a future dwelling on other lots or parcels;

c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

d. May not result in a parcel of less than 35-acres, unless the purpose of the land division is to:

   i. Facilitate an exchange of lands involving a governmental agency; or

   ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000-acres of forest land.

3. A division of a lot or parcel zoned for forest use may be allowed if:

   a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

   b. Each dwelling complies with the criteria for a replacement dwelling under Section 4.04.D;

   c. Except for one parcel, each parcel created under this Subsection is between two and 5-acres in size;

   d. At least one dwelling is located on each parcel created under this Subsection; and

   e. The landowner of a parcel created under this Subsection provides evidence that a restriction prohibiting the landowner and the landowner’s successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this Subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

4. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.

C. A lot or parcel may not be divided under Subsection (B.4) above if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
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D. A landowner allowed a land division under Subsection (B) above shall sign a statement that shall be recorded with the County Department of Records and Assessment in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 4.09 Road Standards
New dwellings and structures shall be subject to the following applicable standards:

A. Roads shall be built and maintained to provide a minimum 20-foot width of all weather surface and a vertical clearance of 13-feet 6 inches.

*Fire Siting Standards for Dwellings and Fire Safety Design Standards handouts are available from the County Planning Department.*

B. Driveways shall be built and maintained to provide a minimum 16-foot width of all weather surface and a vertical clearance of 13-feet 6 inches.

C. The all weather surface, bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.

D. Grades shall not exceed an average of 8%, with a maximum of 12% on short pitches. Variance may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.

E. Cul-de-sacs, dead-end driveways and dead-end roads over 150-feet in length shall have turnarounds of not less than 48-feet radius.

F. Driveways in excess of 200-feet shall provide 20-foot wide by 40-foot long turnouts at a maximum spacing of half the driveway length or 400-feet, whichever is less.

G. Driveways shall be marked with the residence's address unless it is clearly visible on the residence from the road. The numbers shall be 4 inches high and of reflective material.

Section 4.10 Dimensional & Site Development Standards
The following standards are the minimum applicable to all new dwellings/buildings and replacement dwellings/buildings located on a completely different site, unless required by other provisions of this article:

A. Article 50: Buffer Requirement shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling and certain replacement dwellings, as described below.
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In the case of a replacement dwelling, the buffer requirements do not apply unless the dwelling is located on a completely different site. The new dwelling cannot protrude any further into the buffer unless an alternate buffer, such as a vegetative screen, berm, or sight obscuring fence is provided in compliance with Article 50 requirements.

The more restrictive provisions in Article 50 or this section shall apply.

B. Maximum height: 35-feet

C. Setbacks, minimum:

1. Front: 60-feet from the centerline of any arterial street, 50-feet from the centerline of any local or collector street or 20-feet from the right-of-way, whichever is greater
2. Rear: 20-feet; agricultural buildings: 10-feet
3. Side: 10-feet; Exterior or corner parcel: 50-feet from the centerline of any street
4. Streams: New buildings shall be set back 100-feet from ordinary high water mark unless approved in conjunction with a water-related or water dependent use

D. Minimum lot size: 80-acres

E. Minimum lot frontage: 50-feet

F. Minimum vision clearance: 35-feet

G. Signs exceeding 32 square feet are prohibited in the F-1 and F-2 zones, with the following exceptions:

1. Oregon State Highway Division signs.
2. Signs approved under Subsection (G) above are required to obtain a building permit, unless otherwise allowed by the County Building Official.
3. With the exception of the requirements of Subsection 4.10.G, no more than one sign is allowed per parcel.

Section 4.11 Approval Period & Time Extensions

A. Except as provided for in Section B. below and for land divisions, a decision approving a development or use on F-1 and F-2 zoned land shall be valid two-years from the date of the final decision. In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

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1 Sections 4.11(A) and (B) were amended via Ordinance #372 on June 21, 2021
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1. An initial extension period of up to one year shall be granted if:
   a. The applicant makes a written request for the extension prior to the expiration date;
   b. The applicant states reasons that prevented them from beginning or continuing development within the approval period; and
   c. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

2. Up to two additional one-year extensions may be authorized where the criteria from Section (A)(1) above are met and applicable criteria for the decision have not changed.

3. Pursuant to OAR 660-033-0140(3), approval of an extension granted under this Section is a ministerial decision, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.

B. Pursuant to ORS 215.417, when a permit is approved for a proposed residential development on F-1 and F-2 zoned land, the permit shall be valid for four-years from the date of the final decision. In the case of an appealed decision, the approval period shall begin on the date a final appellate decision is issued, unless the decision is remanded to the County, in which case the approval period shall begin on the date the County issues its final decision on remand.

1. An extension of a residential development permit shall be valid for two-years, when an applicant submits to the County a written request for an extension of the development approval period, along with the appropriate fee, prior to the expiration date.

2. Up to two additional one-year extensions may be authorized where applicable criteria for the decision have not changed if:
   a. The applicant makes a written request for the additional extension prior to the expiration date;
   b. The applicable residential development statute has not been amended following the approval of the permit, except the amendments to ORS 215.750 by section 1, chapter 433, Oregon Laws 2019; and
   c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the County, which may require that the applicant comply with the amended rule or land use regulation.

3. Pursuant to ORS 215.417(3), approval of an extension granted under this Section is a ministerial decision, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.
ARTICLE 10 – RESIDENTIAL (R-1) Zone

Section 10.10 - Uses Permitted
In an R-1 Zone, the following uses and their accessory uses are permitted outright:

A. Single-family dwelling.

B. A manufactured home or recreational vehicle as a temporary use while constructing a dwelling for a period not exceeding two-years. Applicable provisions in Article 16 shall apply.

C. Collocation of antennas and wireless telecommunication facilities, subject to Article 74.

D. Short-term rental, subject to Article 53

E. Animal keeping for personal enjoyment, excepting:
   1. Roosters or any other fowl known for its loud call; subject to Chapter 8.12 (Noise Code) of the Hood River County Code.
   2. Any animal raising, poultry, or breeding enterprise conducted on a commercial basis.

Section 10.20 - Conditional Uses Permitted
In an R-1 Zone, the following uses and their accessory uses are permitted in accordance with the requirements of Article 60:

A. Airport

B. Bed & Breakfast Facilities, subject to Article 56

C. Cemetery including mausoleum, crematorium, columbarium

D. Church

E. Community club building

F. Public building or use such as a park or fire station

G. School - nursery, primary, elementary, high

H. Utility substation, pumping station
I. Temporary hardship dwelling, subject to the following:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

   a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;

   b. The applicant shall renew the permit every two-years for it to remain valid. Upon review, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee.

   c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and

   d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.

2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:

   a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.

   b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.

3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.

4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
Article 10 – Residential (R-1) Zone

J. Home occupation, subject to Article 53

K. Duplex

Section 10.30 - Lot Size
In an R-1 Zone, the minimum lot size shall be as follows:

A. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot area shall be increased to conform to the requirements of the County Health Department established to avoid problems of water supply and sewage disposal, giving due consideration to soil structure and water table characteristics.

Pursuant to OAR 660-004-0040(7)(a), property zoned R-1 is subject to a 2-acre minimum lot size requirement, unless the parcel is situated within an established Urban Unincorporated Community or Rural Unincorporated Community.

B. The minimum lot width shall be 70-feet

C. The minimum lot depth shall be 100-feet

D. In the event that more than one dwelling building and/or mobile home is allowed on a tract of ground under single ownership there must be provided a sufficient lot area for each dwelling building and/or mobile home and such minimum lot must meet all other requirements of this Ordinance with special attention to setbacks and access.

Section 10.40 - Setback Requirements
In an R-1 Zone, the following apply:

A. Article 50: Buffer Requirements shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling. The more restrictive provisions in Article 50 or this section shall apply.

B. Front: 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater

C. Side: Minimum of 5-feet

D. Rear: Minimum of 20-feet
Article 10 – Residential (R-1) Zone

E. No building, occupied by a conditional use, shall be closer to a property line than a distance equal to its height

F. Vision clearance setbacks from all street intersections shall be 35-feet

Section 10.50 - Height of a Building
In an R-1 Zone, no building shall exceed a height of 35-feet or two and one half stories, whichever is less.

Section 10.60 - Lot Coverage
In an R-1 Zone, buildings shall not cover more than 30 percent of the lot area.

Section 10.65 – Street Design Standards
The street design standards applicable to new subdivisions or major partitions in an R-1 zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.

Section 10.70 - Signs
In an R-1 zone, signs may be allowed, subject to the following:

A. Signs shall be limited to one per parcel except that two temporary sign, each not to exceed 12-square feet in area, may be erected to advertise the sale, lease, or rental of a lot or parcel.

B. Signs shall be limited to those identifying the use of the premises or the sale, rental, or lease of the property on which the sign is located.

C. The size limit of a sign shall not exceed 12-square feet in area, except for signs associated with a fire station, school, or other public facility, which may be enlarged up to 32-square feet.

D. Sign may be non-illuminated or internally illuminated only. Exceptions include signs associated with a fire station, school, or other public facility may include electronic messaging when shown to have minimal nighttime light intensity and illumination per industry standards.

E. Signs are not permitted within a road or highway right-or-way, unless approved by either the County Public Work Departments or the State Highway Division.
ARTICLE 15 - RURAL RESIDENTIAL (RR) Zone

Section 15.00 - Purpose and Intent
This zone is intended to maintain a semi-rural atmosphere for the development of residential living. Residential land uses will be the primary activity while agriculture will be of secondary importance. This Ordinance applies to land designated Rural Residential on the Comprehensive Plan Map. New marijuana uses are prohibited in this zone.

Section 15.10 - Permitted Uses
In an RR Zone the following uses and their accessory uses are permitted:

A. One single family dwelling per lot or parcel.

B. Agricultural Buildings, shall be permitted with an approved land use permit subject to the following standards:

1. Located and used subject to the definition of “agricultural building” in Article 1 of this Ordinance.

2. An “agricultural building” shall not be approved for use as: (1) a dwelling; (2) a structure used for a purpose, other than growing plants, in which 10 or more persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; (4) a structure used by the public; or (5) a structure subject to Sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated there under.

3. Before an application for an agricultural building, except of a greenhouse, is approved, an applicant shall demonstrate that the lot or parcel on which the agricultural building is proposed contains a farm, as defined below:

a. A farm includes a lot or parcel that is currently employed for the primary purpose of obtaining a profit in money by (a) Raising, harvesting and selling crops; (b) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products raised for human or animal use on land described in this section; or (c) Using land described in this section for any other agricultural or horticultural use, excluding any poultry or animal raising enterprise conducted on a commercial basis; and

b. The lot or parcel is receiving farm tax deferral from the County; or the property owner provides proof of gross income generated from the onsite farm pursuant to ORS 308A.071.
c. No agricultural building shall be constructed within the boundaries of a floodplain without an approved building permit. Where applicable, an agricultural building within the boundaries of a floodplain shall also be subject to requirements of Article 44 (Floodplain Zone) of this Ordinance.

d. Nothing in this section is intended to authorize the application of a state structural specialty code to any agricultural building; such structures are not exempt from electrical, plumbing, or mechanical permits when applicable.

e. As part of an application for an agricultural building, the owner(s) of the property shall sign a statement acknowledging the limitations of how the building can be used. By signing this statement, the owner(s) must also agree to obtain a building permit should the use of the building be converted to non-agricultural use and to ensure that future owners are made aware of these limitations.

f. Any approved agricultural building not used exclusively for agricultural purposes shall be subject to enforcement action pursuant to Article 70 of this Ordinance.

C. Farm uses, excepting:

1. Any poultry, animal raising, or breeding enterprise conducted on a commercial basis; and
2. Marijuana or psilocybin production and processing.

D. Animal keeping for personal enjoyment, excepting:

1. Any animal raising, poultry, or breeding enterprise conducted on a commercial basis.
2. Roosters or any other fowl known for its loud call; subject to Chapter 8.12 (Noise Code) of the Hood River County Code.

E. Utility transmission lines; and communication facilities and towers, subject to Article 74.

F. Accepted timber practices.

G. One sign not to exceed 12-square feet or otherwise approved in conjunction with a conditional use permit.

H. Manufactured home or recreational vehicle as a temporary use while constructing a dwelling for a period not to exceed two-years. Applicable provisions in Article 16 shall apply.

I. Short-term rentals, subject to Article 53.
Section 15.20 – Permitted Subject to Standards
Pursuant to the following standards, Farm Stands may be permitted subject to a Type II administrative review:

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

1. As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington.
2. At the request of the county, the farm stand shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the farm stand with this subsection for the previous tax year.

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

C. Farm uses in the RR Zone shall not include any poultry or animal raising enterprise conducted on a commercial basis on the subject property.

D. Adequate off-street parking will be provided subject to provisions of Article 51 – Off Street Parking and Loading.

E. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

F. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

G. No farm stand building or parking is permitted within the right-of-way.

H. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.
Article 15 – Rural Residential (RR) Zone

I. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).

J. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.

K. Only two (2) signs (including on and off premise signs) total are permitted not to exceed a cumulative size of 12 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs shall be approved by affected property owners.

L. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-splollover onto adjacent properties, roads and highways.

M. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.

N. Compliance with the development standards of the RR Zone.

Section 15.30 - Conditional Uses Permitted
In an RR Zone the following conditional uses and their accessory uses are permitted in accordance with the requirements of Article 60 of this Ordinance:

A. Educational Institutions.

B. Bed & Breakfast Facilities, subject to Article 56.

C. Churches, synagogues, and other places of worship.

D. Golf courses.

E. Parks, playgrounds, or community centers.

F. Emergency services and facilities (e.g., rural fire protection facilities).

G. Utility facilities necessary for public service, including communication facilities and towers subject to Article 74.

H. Airports and heliports.
Article 15 – Rural Residential (RR) Zone

I. Child care center, day nursery.

J. Auction yards other than animal auction.

K. Home Occupations, subject to Article 53.

L. Cemetery.

M. Horses, boarding of – including the stabling, feeding, and grooming or the use of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization. Maximum number of horses allowed shall be based on CUP findings regarding property characteristics, parcel size and impacts to neighbors.

N. Temporary hardship dwelling, subject to the following:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

   a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
   b. The applicant shall renew the permit every two-years for it to remain valid. Upon review, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;
   c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
   d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.

2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:

   a. Justification that the relative with the hardship is not employed full-time off the site
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and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.

b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.

3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.

4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

Section 15.40 - Site Development Standards

A. Article 50: Buffer Requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

B. Maximum height: 35-feet

C. Setback, minimum:

1. Front: 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.
2. Rear: 20-feet
3. Side: Interior parcel or lot: 10- feet; Exterior side of corner parcel or lot: 45-feet from the centerline of any street.

D. Off-street parking for residential uses: For each dwelling there shall be two spaces not within the front setback.

E. Minimum lot size for new lots or parcels: As shown on the official zoning map.

Pursuant to OAR 660-004-0040(7)(a), property zoned on the official zoning map as RR ½ and RR1 is subject to a 2-acre minimum lot size requirement, unless the parcel is situated within an established Urban Unincorporated Community or Rural Unincorporated Community.

F. Minimum width and depth requirements:

1. Minimum average lot width: 100-feet.
2. Minimum lot width at street: 50-feet.
Article 15 – Rural Residential (RR) Zone

3. Minimum average lot depth: 100-feet.

G. Vision clearance: Minimum 35-feet.

H. Street design standards: Applicable road standards for new subdivisions or major partitions in an RR Zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.
Section 16.00 - Purpose & Intent
The purpose of this Ordinance shall be to prescribe procedures and standards under which mobile home parks, individual single-wide mobile homes and dependent relative single-wide mobile homes may be submitted for review and approval by Hood River County. The intent of this Ordinance is to recognize that although mobile homes are required to meet State standards, Hood River County further requires mobile homes to comply with local siting standards, to ensure acceptance and compatibility with adjacent land uses, and in recognition of an identified need to provide an adequate diversity of housing types and environments for local residents.

Section 16.05 - Definitions

A. Mobile Home Park: Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such persons. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.170 (1985).

B. Mobile Home: A vehicle or structure constructed for movement on the public highway, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A mobile home includes either a mobile home manufactured after May 1, 1972, which exhibits the Oregon Department of Consumer and Business Services "Insignia of Compliance" indicating it is manufactured to the State Mobile Home Construction Standards, or a mobile home manufactured after June 5, 1976, which exhibits the State Department of Commerce and Business Services "Insignia of Compliance" that indicates conformance with the Federal Housing & Urban Development (HUD) Construction Standards. The above definitions do not make a distinction between a "single-wide or double-wide mobile home", however Hood River County does differentiate. Some different characteristics and features include:

1. Single-Wide: Single chassis; approximately 14 feet wide; length, 40-70 feet; can have "tip-outs" or expansion areas for living purposes; except for mobile...
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home parks, single-wides are not permitted outright in any zoning district; they are not considered similar to conventional dwellings, nor are they allowed to replace conventional dwellings; single-wides require either approval by the County Planning Department or a County conditional use permit prior to being placed on lot or parcel in Hood River County, and they must comply with the definitions in paragraph B. above.

2. Double-Wide: Is the result of the combination or joining of two or more chassis or sections; length, 40-70 feet; resembles a conventional house; affixed to real property by a continuous concrete wall foundation or other appropriate foundation; are permitted uses in Hood River County; are considered conventional dwellings and must comply with the definitions in paragraph B. above.

Section 16.10 - Planning Director Conference & Review:

A. The applicant shall have a pre-application conference with the Planning Director or his designate.

B. Based upon the pre-application conference, if required, the applicant shall make application for the appropriate process. The applicant is required to pay a filing fee and present affirmative findings addressing applicable provisions of this Ordinance.

Section 16.15 - Mobile Home Parks:

A. Procedures for Review & Approval: The procedure for review and approval of a mobile home park requires making application for a conditional use permit and a public hearing by the Hood River County Planning Commission, pursuant to Article 60 of this Ordinance.

B. Applicability: Pursuant to compliance with applicable provisions in Article 16, mobile home parks are only conditionally permitted in the following zoning districts: Residential Zone (R-I); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); and Commercial Zone (C-I).

C. Permitted Uses: Mobile homes including single-wide and double-wide mobile homes.

D. Conditional Uses Permitted: Conditional uses permitted in zoning districts listed
E. **State Department of Consumer and Business Services:** Applicant is advised that although County approval is required, the primary issuing authority for mobile home parks is the Department of Consumer and Business Services, consequently the applicant is strongly requested to have a pre-application conference with the Department of Consumer and Business Services prior to making a formal County application.

F. **Mobile Home Park Standards:** A mobile home park shall be built to State standards as prescribed by the Department of Consumer and Business Services and shall comply with the following standards.

1. Master plan showing general layout of the entire mobile home park as required by the State Department of Consumer and Business Services, shall be submitted with the County application and fee. Although a complete master plan showing total build out is required, phasing of actual development is supported provided that the phasing is described or noted on the master plan map.

2. Each mobile home shall be required to obtain a County mobile home setup permit and receive approval by the County Planning Department and the County Building Official prior to occupancy.

3. Continuous skirting around each mobile home.

4. Maximum number of mobile homes per acre, 8.

5. Single-wide mobile homes shall be tied down with devices that meet State standards or as approved by the County Building Official.

6. Direct access to a collector or arterial street.

7. Public sewer and water systems acceptable to the County Sanitarian or Department of Environmental Quality.

8. Mobile home will maintain the following separations and setbacks:

   a. Distance between mobile homes shall not be less than 10’ end-to-end or side-to-side.
b. Distance from other park buildings, 10'. If the other park building is an accessory building to a dwelling, then the distance shall be based on “fire separation requirements within a manufactured home park” as provided by the Oregon Residential Specialty Code.

c. 25’ from public street right-of-way.

d. 10’ from park property lines.

e. The distance between non-HUD approved mobile homes placed parallel to each other may be 10’ on one side, but must be at least 14’ on the other. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD approved mobile homes may be 10’ apart on both sides, but must be at least 14’ apart for half their length.

f. Adjacent mobile homes in all parks must be placed at least 14’ apart where a flammable or combustible fuel storage vessel is located on or between units.

9. Landscape Requirements:

   a. A landscaping plan drawn to scale shall be submitted showing landscaping for the entire perimeter of the mobile home park. The plan shall show the location of all landscaped materials and include a plant material listing by common name, botanical name, and total number of individual plant materials being planted.

   b. An emphasis will be placed on providing dense landscaping along public streets. Screening in the form of fences or berms may be integrated with plant materials.

10. Mobile home park will accommodate only mobile homes and not recreational vehicles except for storage in a designated storage area.

11. The County recognizes existing mobile home parks (August, 1985) as pre-existing non-conforming uses, provided they do not cause a threat to life, health, property and general welfare of the public, and are in compliance with the requirements of the Department of Consumer and Business Services. However, expansion of existing mobile home parks will be required to comply with provisions of Article 16.

**Section 16.20 - Single-Wide Mobile Homes on Individual Lots**

A single-wide mobile home on an individual lot (not a mobile home park) shall comply with the following provisions and standards:
A. **Applicability**: The following single-wide mobile homes proposed in specific zoning districts listed and on individual lots require County Planning Director or his designate's approval.

1. **Primary Forest Zone (F-2) and Forest Zone (F-1)**: Any mobile home (including the following single-wides) proposed in a forest zone shall comply with provisions in Article 5 - Forest Zone (F-1), Section 5.30 - Criteria and Standards for Approval, or applicable provisions in Article 6 - Primary Forest Zone (F-2)
   
   a. *A mobile home for security personnel and as a temporary use while constructing a dwelling that is necessary and accessory to a commercial forest use for a period not exceeding two years.  
   
   b. A mobile home, which is in conjunction with a logging operation or construction project during the life of the operation or project (temporary use).

2. **Exclusive Farm Use Zone (EFU)**: *Any mobile home (including the following single-wides) proposed in the Exclusive Farm Use Zone shall comply with one of the following provisions in Article 7 Exclusive Farm Use Zone: Section 7.50 – Farm Dwelling Determination, or Section 7.40 - Uses Subject to Conditional Use Permit, subparagraph D, or Section 7.65 - Pre-Existing Non-Conforming Lots and Lots of Record.  A mobile home for agricultural purposes and as a temporary use while constructing a dwelling for a period not exceeding two years.

3. **Residential Zone (R-1) and Residential Zone (R-2)**: *A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years.

4. **Rural Residential Zone (RR)**: *A mobile home meeting the following criteria:
   
   a. For agricultural related purposes;
   
   b. Temporary use while constructing a single family dwelling for a period not exceeding two years; and
   
   c. Security purposes.

5. **Commercial Zone (C-1) and Industrial Zone (M-1)**: *A mobile home for
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agricultural purposes, security personnel, and as a temporary use while constructing a dwelling not exceeding two years.

*Recreational vehicles can also be used as a temporary use while constructing a dwelling for a period not exceeding two years.*

A. **Standards:**

1. Compliance with the definition of mobile home.

2. Obtain a County mobile home set-up permit and receive approval from County Planning Department and County Building Official prior to occupancy.

3. Shall have continuous skirting.

4. Shall be tied down with devices that meet State standards or is approved by the County Building Official.

5. The owner of the lot shall agree that when the single-wide mobile home is removed from its foundation, the owner shall within 30 days either replace the mobile home with another approved mobile home, or remove the foundation, mobile home accessory structures, and other structures on the property, and disconnect sewer, water and other utilities.

6. Compliance with applicable provisions of the zoning district in which the mobile home is sited.

Section 16.25 - Single-Wide Mobile Homes on Individual Lots for Dependent Relative

A single-wide mobile home on an individual lot for a dependent relative shall comply with the following provisions and standards:

A. **Procedure for Review & Approval:** The procedure for review and approval of a mobile home for a dependent relative requires making application for a conditional use permit and an administrative decision by the County Planning Director or his designate pursuant to provisions in Article 72 Planning Director Review Procedures.

B. **Applicability:** Pursuant to compliance with applicable provisions, mobile homes for dependent relatives are only conditionally permitted in the following zoning districts: Forest Zone (F-1); Primary Forest Zone (F-2); Exclusive Farm Use Zone
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(ERU); Residential Zone (R-I); Residential Zone (R-2); Rural Residential Zone (RR); Commercial Zone (C-I); and Rural Center Zone (RC). The mobile home shall also comply with applicable provisions listed in the above ordinances.

C. **Standards:**

1. Compliance with all provisions in Section 16.20, paragraph B., Standards.

2. Mobile homes for a dependent relative (temporary use) subject to affirmative findings through documentation being presented to the Planning Director that the following criteria are met:

   a. Justification that the relative is dependent upon care by either a relative or a person medically certified to care for such a person on a full time basis.
   b. Dependent relative, relative providing care, or medically certified person to be the primary full time resident.
   c. The use will be considered temporary and when no longer needed will be removed.
   d. Medical doctor confirmation that full time care is necessary.
   e. The dependent relative is not employed full time off the site.
   f. Compliance with applicable provisions of the zoning district in which the mobile home is proposed.

**Section 16.30 - Four or More Single-Wide Mobile Homes in Conjunction with Farm Use**

Proposals for four or more single-wide mobile homes in conjunction with farm use shall present documented affirmative findings demonstrating compliance with the following criteria and factors:

A. Article 3 - Exclusive Farm Use Zone (EFU), specifically Section 3.02 Permitted Uses and Section 3.06 - Farm Dwelling Determination.

B. Section 16.05 - Definition, Mobile Home Park.

C. Section 16.15 - Mobile Home Park
WHEREAS, Hood River County differentiates between single-wide and double-wide mobile homes, however the State of Oregon does not;

WHEREAS, Hood River County does not permit outright single-wide mobile homes, but requires approval by the County Planning Department or a County conditional use permit prior to being placed on a lot or parcel in Hood River County;

WHEREAS, the Hood River County Planning Commission discussed at the March 11th, 1987, public hearing, land use implications for single-wide mobile homes constructed prior to 1972 that don't meet the County's definition of "mobile home";

WHEREAS, the State of Oregon recognizes the following as mobile homes: a mobile home manufactured after May 1, 1972, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating the mobile home was manufactured to State Mobile Home Construction Standards, or a mobile home manufactured after January 5, 1976, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating conformance with the Federal Housing & Urban Development Construction Standards;

WHEREAS, pursuant to the requirements of Article 22 – Planning Directors Review Procedure, Section 22.30, subparagraph D., the County Planning Director can recommend that the Planning Commission conduct a public hearing regarding any administrative action;

WHEREAS, the Hood River County Planning Commission recognizes the need to be equitable to all applicants, adjacent property owners, other public, etc., regarding administration of land use laws and County building permits pertaining to mobile homes constructed prior to 1972;
THEREFORE, BE IT RESOLVED that the County Planning Commission will conduct a public hearing regarding any County land use action, building or mobile home set-up permit involving a mobile home constructed prior to 1972. Mobile homes constructed after 1972, and meeting the County's definition of single-wide or double-wide mobile home, will be processed by the County Planning Department pursuant to the requirements of Article 16 - Mobile Home Parks (which includes provisions for individual single-wide mobile homes and dependent relative single-wide mobile homes).

DATED THIS ___ DAY OF _____, 1987.

HOOD RIVER COUNTY PLANNING COMMISSION

[Signature]
JERRY DABY, CHAIR

ATTEST:

[Signature]
MICHAEL NAGLER, PLANNING DIRECTOR
HOOD RIVER URBAN GROWTH AREA ZONING ORDINANCE
ARTICLE 17 – ZONING
(Adopted August 21, 2000)
Amended Nov. 21, 2011 – HRC Ord. #306 IAMP

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16.08.010 General Procedural Requirements for all Land Divisions
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Amended Nov. 21, 2011 – HRC Ord. #306 – IAMP

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CHAPTER 16.04 - PURPOSE AND DEFINITIONS

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16.04.010 Purpose.
The purpose of this chapter is to:
A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments.
   1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
   2. Partitions involve the creation of three or fewer lots within one calendar year.
   3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots.
B. Carry out the County’s development pattern, as envisioned by the Comprehensive Plan and the Transportation System Plan.
C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
F. Promote alternative modes of transportation through the provision of adequate pedestrian and bicycle facilities;
G. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for all modes of transportation, water supply, sewage and drainage; and
H. Encourage the conservation of energy, natural and open space resources.

1 For the Purpose of this title the word City shall imply County
16.04.020 Definitions.
As used in this title, the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

ACCESS OR ACCESS WAY means the way or means by which pedestrians and vehicles enter and leave property.

BLOCK means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.

BUILDING LINE means a dashed line on a plat restricting the location of buildings or structures, or that distance as prescribed by the zoning ordinance, when applicable.

COMPREHENSIVE PLAN means the plan adopted by the County Board of Commissioners providing the objectives and policy guidelines for growth and development within the County UGA, including amendments thereto.

CONTIGUOUS LAND means two or more parcels, excluding platted subdivisions, under a single ownership which are not separated by an intervening parcel of land under a separate ownership.

CURB LINE means the line dividing the roadway from a planting strip or footway.

DESIGN means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.

EASEMENT means a grant of the right to use a strip of land for specific purposes.

FUTURE STREET means a proposed right-of-way as may be designed by the planning commission or other such agency, or authority as provided for herein, which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

LEGAL DESCRIPTION means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

LOT means a unit of land that is created by a subdivision of land.

LOT AREA means the total horizontal net area within the lot lines of a lot.

LOT CORNER means a lot or parcel situated at the intersection of two or more streets.

LOT DEPTH means the depth of a lot or parcel shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.
**LOT, THROUGH** means an interior lot or parcel having frontage on and with access on two parallel or approximately parallel streets.

**LOT, FLAG** means a lot or parcel which has the buildable area located away from the public right-of-way and is connected to same through a corridor of minimum or less frontage.

**LOT LINE, FRONT** means in the case of an interior lot or parcel, a line separating the lot from the street; in the case of a corner lot or parcel, the line separating the narrowest street frontage of the lot from the street.

**LOT LINE, REAR** means a lot or parcel line which is opposite and most distant from the front lot line.

**LOT LINE, SIDE** means any lot or parcel boundary line not a front or rear lot line.

**LOT, WIDTH** means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lines.

**MINIMUM ROAD STANDARD** means that standard which must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the County.

**OFFICIAL MAP** means the comprehensive plan map as adopted by the County Board of Commissioners for Hood River County including the Urban Growth Area of the City of Hood River.

**OPEN SPACE** means an area intended for common use either privately owned and maintained or dedicated to the County. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include recreation courts, patios, open landscaped areas, or natural areas with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas or driveways.

**OWNER** means the owner of record of real property as shown on tax rolls of Hood River County or deed records of Hood River County, or person who is purchasing property under contract.

**PARTITION LAND** means to divide land into two or three parcels of land within a calendar year, but does not include:
(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
(c) The division of land resulting from the recording of a subdivision or condominium plat;
(d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213
(2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

PARKING SPACE means a rectangle not less than eighteen feet long and nine feet wide for use by a vehicle, having an all-weather surface, and further provided that such parking space shall have easy access to the street or alley by a driveway having an all-weather surface.

PARCEL means a tract of land that is created by a partitioning of land.

PEDESTRIAN WAY (PATHWAY) means a right-of-way for pedestrian traffic.

PERSON means a natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PLAT means a map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by this chapter.

PRACTICABLE means able to be done considering technology and costs.

RIGHT-OF-WAY means the area between the boundary lines of an alley, easement, street or highway.

ROADWAY means the portions of the right-of-way of a street or highway developed for vehicular traffic.

SIDEWALK means a pedestrian walkway with all-weather hard surfacing.

STREET means a public way for travel by vehicles, bicycles and pedestrians, and including the terms "road," "highway," "lane," "place," "avenue," or other similar designations.

a. ALLEY means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

b. ARTERIAL means a state or major road or street that links cities, larger towns, and other major traffic generators.

c. COLLECTOR means streets leading onto arterials, and those main streets used
for traffic movement within residential, commercial and industrial areas.

d. **CUL-DE-SAC** (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

e. **HALF STREET** means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

f. **MARGINAL ACCESS STREET** means a minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.

g. **RESIDENTIAL/LOCAL STREET** means a road or street that provides access to abutting properties. Travel distances are relatively short, and speeds are generally slow.

**SUBDIVIDE LAND** means to divide land into four or more lots within a calendar year.

**SUBDIVIDER** means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

**SUBDIVISION** means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

**TRANSPORTATION SYSTEM PLAN (TSP)** means the plan adopted by the Board of County Commissioners on behalf of the City Council providing the policies and standards for transportation systems in the Urban Growth Area, including amendments thereto.
CHAPTER 16.08 - GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS, REPLATS, PLAT VACATIONS AND LOT LINE ADJUSTMENTS

SECTIONS:
  16.08.010 Approval Process for Subdivisions and Partitions.
  16.08.020 Preliminary Plat Submission Requirements and Approval Criteria
  16.08.030 Final Plat Submission Requirements and Approval Criteria.
  16.08.040 Filing and Recording.
  16.08.050 Variances and Penalties.
  16.08.060 Replatting and Vacation of Plats
  16.08.070 Lot Line Adjustments.

16.08.010 Approval Process for Subdivisions and Partitions

A. **Subdivision and Partition Approval Through Three-Step Process.** Applications for subdivision or partition approval shall be processed through a three-step process:
   1. **Pre-Application Conference.** A pre-application conference with county staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.

   2. **Preliminary Plat.** The preliminary plat shall be approved before the final plat can be submitted for approval consideration.
      - **Partitions.** Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter.
      - **Subdivisions.** Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter.

   All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development under Title 17.

   3. **Review of Final Plat.** The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review Procedures chapter, using the approval criteria for final plats in this Title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

B. **Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two (2) years from the date of approval

C. **Amendments and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided below.
   1. **Minor Amendments.**
a. **Minor Amendment Defined.** The Planning Director may determine that the proposed amendment(s) is minor if all of the following criteria are met by the proposed changes:
   (1) There will be no change in land use;
   (2) There will be no increase in the number of dwelling units;
   (3) There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
   (4) There will be a less than 5 percent reduction in the area reserved for common open space and/or usable open space; and
   (5) There will be a less than 5 percent reduction to specified setback requirements, provided the minimum setback standards of the zone can still be met.

b. **Minor Amendment Request.** An application for approval of a minor amendment is reviewed as a Ministerial Action under Title 17. A minor amendment shall be approved, approved with conditions, or denied based on written findings that the proposed development is in compliance with all applicable requirements of the Development Code.

2. **Major Amendments.**
   a. **Major Amendment defined.** Any modification to a land use decision or approved development plan which is not within the description of a minor amendment as provided above, shall be considered a major amendment.
   b. **Major Amendment Request.** An applicant may request a major amendment as follows:
      (1) When the Planning Director determines that the proposed amendment is a major amendment, the applicant shall submit an application for the major amendment.
      (2) The amendment request shall be subject to the same review procedure (Administrative or Quasi-Judicial) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the amendment request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

3. **Extensions.** The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
   a. Any changes to the preliminary plat follow the procedures above;
   b. The applicant has submitted written intent to file a final plat within the one-year extension period;
   c. An extension of time will not prevent the lawful development of abutting properties; and
   d. The extension request is made before expiration of the original approved plan.

D. **Phased Development.**
   1. The County may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public
improvements, utilities, streets) for any partition or subdivision phase be greater than five (5) years with one 1-year extension possible, without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:
   a. Public facilities shall be constructed in conjunction with or prior to each phase;
   b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Board of County Commissioners approval. Temporary facilities shall be approved only upon County receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Chapter 16.12. A temporary public facility is any facility not constructed to the applicable County standards;
   c. The phased development shall not result in requiring the County or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
   d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

E. Appeals. The administrative provisions of Articles 60 and 72 of the County Zoning Ordinances shall apply to the provisions of this chapter.

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria.
A. General Submission Requirements.
   1. Partitions. For partitions, the applicant shall submit an application containing all of the information required for Administrative actions under Title 17 Administrative Actions in the Review Procedures chapter.

   2. Subdivisions. For subdivisions, the application shall contain all of the information required for Quasi-judicial actions under Title 17 Quasi-Judicial Actions in the Review Procedures chapter.

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:
   1. General information:
      a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
      b. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the County Engineer;
      c. Location of the development sufficient to define its location in the county, boundaries, and a legal description of the site;
      d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
e. Identification of the drawing as a "preliminary plat".

2. **Site analysis**:
   a. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks and pedestrian and multi-use pathways on and abutting the site;
   b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
   d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than one (1) percent. When contours are not shown, a reasonable number of spot elevations, as determined by the County Engineer, may be required;
   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
   f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
   g. Sensitive lands, including wetland areas, streams, wildlife habitat, significant trees and shrubs (Section 16.12.030) and other areas identified by the County or natural resource regulatory agencies as requiring protection;
   h. Site features, including existing structures, pavement, and drainage ways, canals and ditches;
   i. Designated historic and cultural resources on the site and adjacent parcels or lots;
   j. The location, size and species of trees having a caliper (diameter) of four inches or greater at four feet above grade; and,
   k. Other information, as deemed appropriate by the Planning Director. The County may require studies or exhibits prepared by qualified professionals to address specific site features, code requirements and/or state and federal requirements.

3. **Proposed improvements**:
   a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
   b. Location, width and purpose of all easements;
   c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
   d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
Article 17: Chapter 16 – Land Divisions

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The proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

f. The proposed source of domestic water;
g. The proposed method of sewage disposal;
h. Method of surface water drainage and treatment if required;
i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
k. Changes to streams or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
l. Identification of the base flood elevation for development in areas prone to inundation. Evidence in writing of contact with the Federal Emergency Management Agency to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
m. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction; and

n. Evidence in writing of contact with the applicable natural resource regulatory agency(ies) for any development within or minimum of 200 feet adjacent to jurisdictional wetlands or other regulated water resources.
o. Street trees plan.
p. Future street plan in accordance with Section 16.12.020(K).

C. General Approval Criteria. The County may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

4. The location, width and grade of streets and pedestrian walkways have been considered in relation to existing and planned streets, walkways, topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets and walkways. The street and walkway system proposes an adequate traffic circulation system, which is consistent with the Transportation System Plan and any approved Future Street Plans pursuant to 16.12.020(K);
5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat; and

6. Adequate capacity of public facilities for fire protection, streets, and sidewalks can be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use are consistent with the Comprehensive Plan and any adopted public facilities plan(s).

7. All lots created shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems and these shall be located and constructed to prevent or minimize flood damage to the extent practicable.

8. All subdivision and partition proposals shall have adequate surface water drainage provided to minimize exposure to flood damage. Water quality or quantity control improvements may be required.

9. Underground utilities are provided.

10. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before County approval of the final plat.

11. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the County Engineer.

D. **Future Re-Division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use zone), the County shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zone and this Title.

1. Re-division plan shall be submitted which identifies:
   a. Potential future lot division(s) in conformance with the housing and density standards of Title 17;
   b. A Future Street Plan consistent with the Local Street Connectivity standards of the Transportation System Plan and, for major partitions and subdivisions in compliance with Section 16.12.020(K) which identifies potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.

2. The re-division plan shall also include a disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the County or
property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Additionally, if the Planning Director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the preliminary plan approval.

E. **Conditions of Approval.** The County may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the County for the purpose of controlling access to adjoining undeveloped properties.

**16.08.030 Final Plat Submission Requirements and Approval Criteria**

**A. Submission Requirements.**

1. Final plats shall be reviewed and approved by the County prior to recording with the County. The applicant shall submit the final plat within 2 years of the approval of the preliminary plat as provided by this Chapter. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Director.

2. **Supplemental Data.** At the time of the submission of the final map, the applicant shall also submit the following:
   a. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
   b. All technical data as required by the designated City or County Surveyor.

3. **Certification.** The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate:
   a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
      (1). Rights-of-way, easements, or other interest, none of which can ripen into a fee;
      (2). Rights-of-way, easements or reversions which by reason of changed conditions, long disuse, of latches, appear to be no longer of practical use or value, where re lease thereof is impossible or impractical to obtain. Any subdivision or partition plat map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state or Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;
   b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels
other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;
c. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

4. Provision for additional certificates and acknowledgements required by law or conditions of approval.

B. Approval Criteria. By means of a Ministerial decision, the Planning Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the County Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Chapter 16.12;

3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the County as conforming to the preliminary plat;

5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;

6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&R’s); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the County or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the County that such services will be installed in accordance with County requirements, and the performance guarantee
requirements of Chapter 16.12. The amount of the bond, contract or other assurance by the subdivider shall be determined by a professional engineer registered in the state of Oregon, subject to review and approval by the County;

9. **Approval by County Engineer - City or County Surveyor.**
   a. Upon receipt of the final plat and accompanying data, the County Engineer shall review the final plat and improvement plans to determine that the plat conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this title. The cost of the engineering review shall be reimbursable to the County by the subdivider based upon the Oregon Revised Statutes Chapter 92.
   b. The city surveyor, if one is appointed or if not, the county surveyor, shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by this title. The surveyor may make checks in the field to verify that the plat is sufficiently correct on the grounds and he may enter the property for this purpose. If the surveyor determines that there has not been full conformity, the surveyor shall advise the subdivider of the changes or additions that must be made, and afford the subdivider an opportunity to make such changes or additions.
   c. If the city surveyor, if one is appointed or if not, the county surveyor, determines that full conformity has been made, he shall so certify on the final plat as prescribed by law.

16.08.040 **Filing and Recording.**

A. **Filing plat with County.** Within 60 days of the County approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92.

B. **Proof of recording.** Upon final recording with the County, the applicant shall submit to the County two paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. **Prerequisites to recording the plat.**
   1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
   2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

16.08.050 **Variances and Penalties.**

A. **Variances.** Adjustments to the standards of this Chapter shall be processed in accordance with the procedures and findings prescribed in the County’s zoning ordinance for variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted.
B. **Penalties.** An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded shall be considered an offense. Offenders who violate or cause violation of any provision of this title shall be deemed guilty of an offense and shall be subject to punishment as prescribed in Title 17 of the Municipal Code.

C. **Compliance with Oregon real estate regulations.** Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Board of Real Estate.

D. **Certification conflicts.** When any provision of Oregon state law or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or any agent or employee thereof, such certificate or affidavit may be executed or such act may be performed by some other person duly qualified therefore and designated so to act by the council.

**16.08.060 Replatting and Vacation of Plats**

A. **Replatting and Vacations.** Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. **Procedure.** All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition. The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process.

C. **Basis for denial.** A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. **Recording of vacations.** All approved plat vacations shall be recorded in accordance with the Filing and Recording requirements of this Title and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

E. **After sale of lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. **Vacation of streets.** All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

**16.08.070 Lot Line Adjustments.**
Lot Line Adjustments, and the modification of lot boundaries, when no new lots are created. The application submission and approvals process is as follows:
A. **Submission Requirements.** All applications for Lot Line Adjustment shall be made on forms provided by the County and shall include information required for a Ministerial action, as governed by Title 17. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with County codes.

B. **Approval Process.**
   1. **Decision-making process.** Lot line adjustments shall be reviewed by means of a Ministerial action, as governed by Title 17, using approval criteria contained in subsection C, below.
   2. **Time limit on approval.** The lot line adjustment approval shall be effective for a period of two years from the date of approval, during which time it must be recorded.
   3. **Lapsing of approval.** The lot line adjustment approval shall lapse if:
      a. The lot line adjustment is not recorded within the time limit in subsection 2;
      b. The lot line adjustment has been improperly recorded with the County without the satisfactory completion of all conditions attached to the approval; or
      c. The final recording is a departure from the approved plan.

C. **Approval Criteria.** The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:
   1. **No additional parcel** or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;
   2. **Lot standards.** All lots and parcels comply with the applicable lot standards of the land use zone (Title 17) including lot area and dimensions.
   3. **Access.** All lots and parcels comply with applicable access and circulation standards or requirements; and
   4. **Setbacks.** The resulting lots, parcels, tracts, and building locations comply with the standards of the land use zone (Title 17).
   5. **Exemptions from Dedications and Improvements.** A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. **Recording Lot Line Adjustments.**
   1. **Recording.** Upon the County’s approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with the County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the County, to be filed with the approved application.
2. **Time limit.** The applicant shall submit the copy of the recorded lot line adjustment survey map to the County within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

E. **Extension.** The County shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
   1. No changes are made on the original plan as approved by the County;
   2. The applicant can show intent of recording the approved lot line adjustment within the one year extension period; and
   3. The extension request is made before expiration of the original approved plan.
CHAPTER 16.12 - GENERAL DESIGN AND IMPROVEMENT STANDARDS
Amended on November 21, 2011 – HRC Ord. #306 – IAMP

SECTIONS:
16.12.010 General Applicability
16.12.050 Street Trees.

16.12.010 General Applicability
All subdivisions and partitions must comply with the provisions of this Chapter. Subdivisions and partitions that include the construction of a street may require detailed findings demonstrating compliance with each section. For partitions that do not include the construction of a street, fewer code provisions may apply.

A. Intent and Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.

B. Applicability. This Section shall apply to all public streets within the County and to all properties that abut these streets.

C. Access Permit. Access to a public street requires an Access Permit in accordance with the following procedures:
1. Permits for access to County streets shall be subject to review and approval by the County Engineer based on the standards contained in this Section, and the provisions of Section 16.12.060 - Public Facilities Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or the County. In that case, the City or County shall determine whether access is granted based on its adopted standards.

3. Permits for access to County highways shall be subject to review and approval by the County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

D. Traffic Study. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 16.12.060 - Public Facilities Standards.)

E. Conditions of Approval. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access
points, recording of reciprocal access easements (i.e., for shared driveways),
development of a frontage street, installation of traffic control devices, and/or other
mitigation as a condition of granting an access permit, to ensure the safe and efficient
operation of the street and highway system. Access to and from off-street parking
areas shall not permit backing onto a public street.

F. **Access Options.** When vehicle access is required for development (i.e., for off-street
parking, delivery, service, drive-through facilities, etc.), access shall be provided by
one of the following methods (a minimum of 10 feet per lane is required). These
methods are "options" to the developer/subdivider, unless one method is specifically
required by the County Engineer.

1. **Option 1.** Access is from an existing or proposed alley or mid-block lane.

2. **Option 2.** Access is from a private street or driveway connected to an adjoining property
that has direct access to a public street (i.e., "shared driveway"). A private street may
only be developed in as part of a Planned Unit Development. A public access easement
covering the driveway shall be recorded in this case to assure access to the closest public
street for all users of the private street/drive.

3. **Option 3.** Access is from a public street adjacent to the development parcel. If
practicable, the owner/developer may be required to close or consolidate an
existing access point as a condition of approving a new access. Street accesses shall
comply with the access spacing standards in Section G, below.

4. **Frontage on an Arterial Street.** New residential land divisions fronting onto an arterial
street shall be required to provide alleys or secondary (local or collector) streets for
access to individual lots. When alleys or secondary streets cannot be constructed due to
topographic or other physical constraints, access may be provided by consolidating
driveways for clusters of two or more lots (e.g., includes Planned Unit Developments and
mid-block lanes).

5. **Double-Frontage Lots.** When a lot has frontage onto two or more streets, access shall
be provided first from the street with the lowest classification. For example, access shall
be provided from a local street before a collector or arterial street. Except for corner lots,
the creation of new double-frontage lots shall be prohibited in all residential zones, unless
topographic or physical constraints require the formation of such lots. When double-
frontage lots are permitted in all residential zones, a landscape buffer with trees and/or
shrubs and ground cover not less than 10 feet wide shall be provided between the back
yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner
(i.e., through homeowner's association, etc.).

G. **Access Spacing.** Driveway accesses shall be separated from other driveways and street
intersections in accordance with the following standards and procedures:

1. **Local Streets.** A minimum of 22 feet separation (as measured from the sides of the
driveway/street) shall be required on local streets (i.e., streets not designated as collectors
or arterials), except as provided in subsection 3, below.

2. **Arterial and Collector Streets.** Access spacing on collector and arterial streets,
and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the County’s Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 31.

3. **Special Provisions for All Streets.** Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See Section `I’, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards, unless no other reasonable access to the property is available.

H. **Shared Driveways.** The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. **Shared driveways and frontage streets** may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. **Access easements** (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.

3. **Exception.** Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

I. **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. **Block Length and Perimeter.** The maximum block length and perimeter shall not exceed:
   a. 400 feet length and 1,200 feet perimeter in the in the Central Business District;
   b. 600 feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
   c. Not applicable to the Industrial zone (I); and
   d. 800 feet length and 2,000 feet perimeter in all other zones.

2. **Street Standards.** Public and private streets shall also conform to Section 16.12.060 Public Facilities Standards, Section 16.12.030 - Pedestrian Access and
Circulation, and applicable Americans With Disabilities Act (ADA) design standards.

3. **Exception.** Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

**K. Future Street Plan (FSP) Required.** Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

1. **Applicability** - The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-1, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in (2) and shall be subject to review and approval under (4).

The Planning Director may reduce the amount of off-site area to be considered below 600 feet in one or more directions in the following situations:

a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.

b. The proposed street layout is consistent with a street pattern of an existing approved Future Street Plan.

2. **Submittal Requirements.** The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the Future Street Plan criteria. The Future Street Plan shall incorporate the following details, both on-site and off-site:

a. The Future Street Plan shall be no larger than 11 inches x 17 inches and may include several sheets.

b. The topography for slopes of 15% or greater with contour intervals not more than 10 feet.

c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site.

d. Property lines and dimensions.

e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development.

f. Site access points for autos, pedestrians, bicycles.

g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.

3. **Review Criteria.** A proposed Future Street Plan shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:

a. A future street plan shall:
(1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
(2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
(3) Provide multi-directional access and circulation to the street system, avoiding maze-like and discontinuous street patterns; and,
(4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets.
(5) Minimize the impact to natural resources and fit the landscape.
(6) Provide pedestrian access and create neighborhoods.

b. Wherever feasible, streets, alleys, and pedestrian-bicycle accessways shall connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ Bicycle accessways may connect on one end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).

c. Pedestrian accessways shall be provided as required under 16.12.030.

L. Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

16.12.030 Pedestrian Access and Circulation
A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:
1. Continuous Pathways. A pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.

2 Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.010(J). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
   a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 8 feet wide and located within a 15-foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;
b. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.

c. The County may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;

d. The hearings body or Planning Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

B. Design and Construction. Pathways shall conform to all of the standards in 1-5 as follows:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.

4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide. (See also, Section 16.12.060 - Public Facilities Standards for public, multi-use pathway standard.)

5. Accessible routes. Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.


A. Applicability. All subdivision and partition developments containing Significant Trees and Shrubs, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
B. **Significant Trees and Shrubs.** Individual native trees and shrubs with a trunk diameter of 6 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.

C. **Mapping and Protection Required.** Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or "DBH"). A "protection" area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The County also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. **Protection Standards.** All of the following protection standards shall apply to significant trees and shrubs areas:

1. **Protection of Significant Trees and Shrubs.** Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.

2. **Conservation Easements and Dedications.** When necessary to implement the Comprehensive Plan, the County may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the County for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.

F. **Exemptions.** The protection standards in "D" shall not apply in the following situations:

1. **Dead, Diseased, and/or Hazardous Vegetation.** Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

2. **Emergencies.** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within 14 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at the office of the County Planning and Building Services Department.

16.12.050 Street Trees
Requirements for street tree planting strips are provided in Chapter 16.12.060 - Public Facilities Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:
A. **Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, drought tolerance exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.
2. Use low-growing trees for spaces under utility wires.
3. Select trees which can be "limbed-up" where vision clearance is a concern.
4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil or areas without irrigation.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

B. **Caliper Size.** The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.

C. **Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

D. **Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation after planting thereafter or until the lot has sold and the responsibility is transferred to the property owner. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) after planting.

E. **Assurances.** The County shall require the developer to provide a performance and maintenance bond in an amount determined by the County Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

F. **Street Tree List.** A recommended street tree list is available at the Planning Office.
A. Purpose and Applicability.
   1. Purpose. The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the County’s Transportation System Plan.

   2. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the County shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

   3. Standard Specifications. The County Engineer shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.

   4. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

B. Transportation Standards.
   1. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this Chapter, and the following standards are met:
      a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this Chapter.
      b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;
      c. New streets and drives street shall be hard-surfaced; and
      d. The City or County may accept a future improvement guarantee [e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future] in lieu of street improvements if one or more of the following conditions exist:
         (1) A partial improvement may create a potential safety hazard to motorists or pedestrians;
         (2) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
         (3) The improvement would be in conflict with an adopted capital improvement plan; or
         (4) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
2. **Modifications.** A modification to the street design standards in this Section and the Transportation System Plan may be granted by the County Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.

3. **Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the County may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the Board of County Commissioners for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the County Attorney and shall name "the public," as grantee.

4. **Creation of Access Easements.** The County may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Section 16.12.020 Vehicular Access and Circulation and/or Section 16.12.030 Pedestrian Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

5. **Street Location, Width and Grade.** Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:
   a. Street grades shall be approved by the County Engineer in accordance with the County’s design standards and subsection 14, below; and
   b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
      1. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
      2. Conform to a street plan adopted by the Board of County Commissioners, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

6. **Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be the widths in as shown in the street design standards. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
   a. Street classification in the Transportation System Plan;
   b. Anticipated traffic generation;
   c. On-street parking needs;
   d. Sidewalk and bikeway requirements based on anticipated level of use;
e. Requirements for placement of utilities;
f. Street lighting;
g. Minimize drainage, slope, and sensitive lands impacts;
h. Street tree location, as provided for in Section 16.12.050;
i. Protection of significant vegetation, as provided for in Section 16.12.040;
j. Safety and comfort for motorists, bicyclists, and pedestrians;
k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
l. Access needs for emergency vehicles; and
m. Transition between different street widths (i.e., existing streets and new streets), as applicable.
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Urban Minor Arterial (One-Way Street)

Urban Minor Arterial (Two Lanes)

Urban Minor Arterial (Three Lanes)

FIGURE
Proposed Street Design Standards
Urban Arterial Streets
(Not to Scale)

COC.G0005/Street_Standards.dgn/TNTr10-16-02
Amended & Adopted July 21, 2003
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Urban Local Residential Option "A"

Urban Local Residential Option "B"

Urban Local Residential Option "C"

Urban Local Residential Option "D"

FIGURE
Proposed Street Design Standards
Local Streets

(Not to Scale)

Amended & Adopted July 21, 2003
1. A planter strip is required on all cul-de-sacs.
2. Width of curb is included in sidewalk or planter strip width.
3. The length of cul-de-sac shall be no longer than 200' and have not more than 20 dwelling units on a closed end street system. Infill cul-de-sac length shall not exceed 150 feet.
4. Parking is allowed in the bulb and is prohibited in the neck.
5. Street trees and streetlights shall be located within the planter strip.

FIGURE 6-4
Proposed Street Design Standards
Cul-de-sac Streets

(Not to Scale)
1. A planter strip is required on all new streets.
2. Width of curb is included in sidewalk or planter strip width.
3. For use when no vehicle connectivity is possible due to development or topography constraint.
4. Street trees and streetlights shall be located within the planter strip.
5. 5 feet minimum distance from developed neighboring abutting property line.

Neighborhood Infill Street Option "A" (Not to Scale)

Neighborhood Infill Street Option "B" (Not to Scale)

FIGURE

Proposed Street Design Standards
Local Streets

Amended & Adopted July 21, 2003
Queuing guidelines, parking allowed both sides, Local Street Option B

Queuing guidelines, parking allowed one side, Local Street Option C

Queuing guidelines, no parking allowed, Local Street Option D
7. **Traffic Signals and Traffic Calming Features.**
   a. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
   b. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

8. **Future Street Plan and Extension of Streets.**
   a. Where required by 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.
   b. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the County Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1-3, below:
      (1) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
      (2) A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the County or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
      (3) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

9. **Street Alignment and Connections.**
   a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
   b. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
   c. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15\% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence
of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

d. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

e. In order to promote efficient vehicular and pedestrian circulation throughout the county, the design of subdivisions and alignment of new streets shall conform to the following standards in Section 16.12.020 Vehicular Access and Circulation: The maximum block length shall not exceed:

1. 400 feet length and 1,200 feet perimeter in the in the Central Business District;
2. 600 feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
3. Not applicable to the Industrial zone (I); and
4. 800 feet length and 2,000 feet perimeter in all other zones. Exceptions to the above standards may be granted by the County Engineer when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of

10. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 16.12-A through 16.12-E, applicable provisions of the Transportation System Plan, the Comprehensive Plan, street connectivity plan and adopted future street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

11. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:

a. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;

b. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and

c. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

12. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 16.12.050(A).

13. Cul-de-sacs. A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of 42 feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped
island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and
b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

14. Grades and Curves. Grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:
a. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
b. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.


16. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

17. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:
a. A parallel access street along the arterial with a landscape buffer separating the two streets;
b. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.12.020;
c. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
d. Other treatment suitable to meet the objectives of this subsection;
e. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.12.020.

18. Alleys, Public or Private. Alleys shall conform to the standards in the Transportation System Plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

19. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are
outlined in the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.

20. **Street Names.** No street name shall be used which will duplicate or be confused with the names of existing streets in the City, County or Urban Growth Area, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers and the County Code.

21. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the County, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the County that all boundary and interior monuments shall be reestablished and protected.

22. **Street Signs.** The City, County or State with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

23. **Mail Boxes.** Plans for mail boxes to be used shall be approved by the United States Postal Service.

24. **Street Light Standards.** Street lights shall be installed in accordance with City standards and shielded in a downward pattern.

25. **Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final County acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the County Engineer.
   a. Sub-base and leveling course shall be of select crushed rock;
   b. Surface material shall be of Class C or B asphaltic concrete;
   c. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
   d. No lift shall be less than 1-1/2 inches in thickness.

C. **Public Use Areas.**

1. **Dedication Requirements.**
   a. Where a proposed park, playground or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the County may require the dedication or reservation of this area on the final plat for the subdivision.
   b. Where an adopted plan of the County does not indicate proposed public use areas, the County may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses if:
      (1) Approved by the Hood River Valley Parks and Recreation District; and,
(2) Determined by the Planning Commission to be in the public interest in accordance with adopted comprehensive plan policies.

c. All required dedications of public use areas shall conform to Section 16.12.060(A)(4) (Conditions of Approval).

2. **System Development Charge Credit.** If authorized by the Hood River Valley Parks and Recreation District, dedication of land to the County for public use areas shall be eligible as a credit toward any required system development charge for parks.

D. **Sanitary Sewer and Water Service Improvements.**

1. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

2. **Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

3. **Over-sizing.** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.

4. **Permits Denied.** Development permits may be restricted by the County where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

E. **Storm Drainage.**

1. **General Provisions.** The County shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in accordance with the requirements of the City and County Engineers.

2. **Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the County Engineer.

3. **Effect on Downstream Drainage.** Where it is anticipated by the County Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the County shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with County standards.
F. Utilities.

1. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
   a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic;
   b. The County reserves the right to approve the location of all surface mounted facilities;
   c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
   d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

2. Easements. Easements shall be provided for all underground utility facilities.

3. Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

G. Easements. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. The developer or applicant shall make arrangements with the County, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The County’s standard width for public main line utility easements shall be 15 feet unless otherwise specified by the utility company, applicable district, or County Engineer.

H. Construction Plan Approval and Assurances. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the County, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the County for construction and other services in connection with the improvement. The permit fee shall be set by Board of County Commissioners. The County may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.
I. **Installation.**

1. **Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

2. **Adopted Installation Standards.** The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A. shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.

3. **Commencement.** Work shall not begin until the County has been notified in advance.

4. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the County is notified.

5. **City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Section 16.08 - Modifications and Extensions. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

6. **Engineer's Certification and As-Built Plans.** A civil engineer registered in the state of Oregon shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 sets of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

16.12.070 **Performance Guarantee.**

All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a performance guarantee if the public improvements are not installed, inspected and approved before final plat approval.

A. **Performance Guarantee Required.** When a performance guarantee is required, the subdivider shall file an assurance of performance with the County supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the County in writing that it may be terminated; or

3. Cash.

B. **Determination of Sum.** The assurance of performance shall be for a sum determined by the County as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. **Itemized Improvement Estimate.** The developer shall furnish to the County an itemized improvement estimate, certified by a registered civil engineer, to assist the County in calculating the amount of the performance assurance.

D. **Agreement.** If the public improvements are not constructed or installed and inspected and approved prior to final plat approval, the developer shall sign an agreement with the County that specifies as follows:
   1. The period within which all required improvements and repairs shall be completed;

   2. A provision that if work is not completed within the period specified, the County may call on the bond, cash deposit, or letter of credit to complete the work;

   3. Stipulates the improvement fees and deposits that are required.

   4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement shall be on a form provided by the County and included with the final decision.

E. **Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the County.
CHAPTER 17.01 - GENERAL PROVISIONS

SECTIONS:
17.01.020 Purpose and Intent
17.01.030 Applicable County Ordinances
17.01.070 Definitions

17.01.020 PURPOSE AND INTENT
The purpose of these ordinances is to provide land use regulations for lands within the Hood River Urban Growth Area that are consistent with requirements of the City of Hood River’s Comprehensive Land Use Plan and Ordinances and to provide procedures for County administration of land use applications and building permits with the Urban Growth Area. This ordinance is intended to assure that the City and County Comprehensive Land Use Plans and implementing ordinances are consistent and coordinated and to implement provisions of the Hood River Urban Growth Management Agreement as adopted and signed by the City of Hood River and Hood River County.

17.01.030 APPLICABLE COUNTY ORDINANCES
Except for the ordinances noted below, all County zoning ordinances are incorporated by reference into Article 17 and shall be utilized to administer applicable land use applications and building permits proposed on lands with the Hood River UGA.

The following ordinances are not applicable to lands within the Hood River Urban Growth Area:
A. Article 3 – Definitions
B. Article 5 – Forest Zone (F-1)
C. Article 6 – Primary Forest Zone (F-2)
D. Article 7 – Exclusive Farm Use Zone (EFU)
E. Article 10 – Residential Zone (R-1)
F. Article 12 – Residential Zone (R-2)
G. Article 15 – Rural Residential Zone (RR)
H. Article 16 – Mobile Home Parks Zone (MH)
I. Article 21 – Commercial Zone (C-1)
J. Article 22 – Rural Center Zone (RC)
K. Article 31 – Industrial Zone (M-1)
L. Article 32 – Light Industrial Zone (M-2)
M. Article 33 – Airport Development Zone (AD)
N. Article 35 – Natural Area Zone (NA)
O. Article 41 – Planned Unit Development (PUD)
P. Article 48 – Columbia Gorge Combining Zone (CG)
Q. Article 49 – Scenic Protection Zone (SP)
R. Article 51 – Off-Street Parking and Loading
S. Article 53 – Home Occupation
T. Article 55 – Supplemental Provisions
U. Article 56 – Bed & Breakfast Facilities (B&B)
V. Article 66 – Variances
W. Article 75 – Columbia River Gorge National Scenic Area (NSA)
17.01.070 DEFINITIONS
As used in this ordinance, the singular includes the plural and the masculine includes the
feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory.
The following words and phrases shall have the meanings given them in this article.

ACCESS means the way or means by which pedestrians and vehicles enter and leave property.

ACCESSORY USE OR ACCESSORY STRUCTURE means a use or structure incidental and
subordinate to the main use of the property and located on the same lot as the main one.

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

BED AND BREAKFAST FACILITY means a single-family dwelling where travelers and/or
guests are lodged for sleeping purposes, with or without a morning meal, and for which
compensation is paid.

BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE means a building where
lodging, with or without meals, is provided for compensation for over four (4) guests.

BUILDING means a structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest
point of a building. The reference datum shall be selected by either of the following, whatever
yields the greater building height:

1. The elevation of the highest adjoining side or upper ground surface within five (5) foot
horizontal distance of the exterior wall of the building when such sidewalk or ground
surface is not more than ten (10) feet above the lowest grade.

2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground
surface described in item one (1) above is more than ten (10) feet above the lowest
grade. The height of a stepped or terraced building is the maximum height of any
segment of the building.

BUILDING OFFICIAL means the officer or other designated authority charged with the
administration and enforcement of the UBC or his duly authorized representative.

BUILDING SITE means one or more lots or parcels grouped together to form a tract of land to be
used for building one or more structures. The building site lines shall be those lines, which bound
the total area, exclusive of any public dedicated street.

CARETAKER'S RESIDENCE means a dwelling unit necessary for the security and/or
operation requirements of an on-site industrial use.

CENTER means a group of establishments planned, developed and managed as a unit with non-
segregated, off-street parking and circulation provided on the property.
CENTRAL BUSINESS DISTRICT means the area enclosed by the following streets, Including adjacent properties:

North: Industrial Avenue continuing east to Front Street
South: Sherman Avenue
East: Front Street
West: 8th Street for the C-1 Zone only

CHANGE OF USE means any use that substantially differs from the previous use of a building, structure, or land. Factors to consider when identifying a change of use include the effects on parking, drainage, circulation, landscaping, building arrangements, and nuisance factors including, but not limited to, traffic, lighting and noise.

CHILDCARE CENTER means the provision for child day care of 13 or more children through the age of 12 in any 24-hour period and could include a public or private school.

CITY means the City of Hood River.

COMMERCIAL USE means any activity involving the sale of goods or services that does not involve manufacturing, processing, warehousing, or outside storage.

CONDOMINIUM UNIT means a part of the property consisting of a building or one or more rooms occupying one or more floors of a building or one or more rooms occupying one or more floors of a building or part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to paragraph (c) of subsection (1) of ORS 91.509, and with a direct exit to a public street or highway to a common area or areas leading to a public street or highway. An area used for the temporary parking or storage of automobiles, boats, campers, or other similar recreational vehicles or equipment may be considered a unit even though consisting of air space only without any building or structure when such area is auxiliary to a condominium in which the remainder of the units are in or are a part of a building or buildings.

CONTIGUOUS LAND means two (2) or more parcels, excluding platted subdivisions, under a single ownership, which are not separated by an intervening parcel of land under a separate ownership.

COUNTY means the County of Hood River.

COUNTY PLANNING DEPARTMENT means the department of the County that processes applications, provides professional planning advice to the Planning Commission and Board of County Commissioners, and administers the County’s zoning and subdivision ordinances and Comprehensive Plan.

DUPLEX means a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having separate housekeeping facilities for each family.
**DWELLING UNIT** means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**ENTITY** means any use functioning independently.

**FAMILY** means one (1) or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit and using common housekeeping facilities.

**FAMILY DAY CARE** means care of 12 or fewer children either full or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the definition of “home occupation” in this chapter.

**FENCE, SIGHT OBSCURING** means a fence or planting arranged in such a way as to obscure vision.

**FLOOD LIGHT** means a wide spectrum of non-shielded light covering a large area.

**GRADE (ADJACENT GROUND)** means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building between the building and a line five (5) feet from the building.

**GROUP RESIDENTIAL** means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of boarding houses, cooperatives, halfway houses, and intermediate care facilities.

**HARD SURFACING** means asphalt, concrete, grasscrete or other similar surface that is accepted by the County Engineer.

**HEARING BODY** means the Planning Commission or Board of County Commissioners, as applicable.

**HEARING BODY MEMBERS** means the Planning Commissioners or Board of County Commission, as applicable.

**HEIGHTS BUSINESS DISTRICT, THE** means the parcels in the C-1 and C-2 zones between May, Belmont, 10th and 14th streets.

**HOME OCCUPATION** means the occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or within an accessory building which is incidental or secondary to the residential use.
HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the federal law.

INCIDENTAL AND ESSENTIAL means a use which is subordinate and minor in significance and size to the primary use, and which has an integral relationship to the primary use.

INDUSTRIAL USE means any activity involving the manufacturing, processing, warehousing, or outside storage of products to be transported elsewhere for retail sale.

LOADING SPACE means an off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials, and which space has access to a street or alley.

LOT means a specific tract of land within a platted subdivision.

LOT AREA means the total area of the lot or parcel measured in the horizontal plane within the lot or parcel boundary lines inclusive of public easements, private roads, and the easement of access to other properties.

LOT OF RECORD means a parcel or lot duly recorded by the Hood River County Department of Records and Assessments at the time of the adoption of the ordinance codified in this article.

LUBA means The State of Oregon Land Use Board of Appeals.

MANUFACTURED HOME means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities that is intended for human occupancy that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MOBILE HOME (SINGLE WIDE) means a vehicle or structure constructed for movement on the public highways, which has sleeping, cooking, and plumbing facilities, is intended for human occupancy, and is being used for residential purposes.

MOBILE HOME (DOUBLE/TRIPLE/QUAD WIDE etc.) means a factory-built home that is the result of the combination of joining (at the time placed on the property) of two (2) or more sections, to which wheels may be attached for the purpose of moving it to a concrete foundation.

MANUFACTURED DWELLING PARK means any place where four or more manufactured dwellings (as defined in ORS 446.003 (26)) are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage or such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being
rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

**MULTI-ENTITY COMPLEX** means any structure within which more than one (1) entity is being located or will be conducted.

**MULTI-FAMILY DWELLING** means a building designed or used exclusively for the occupancy of four (4) or more families living independently of each other and having separate housekeeping facilities.

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

**NON-RESIDENTIAL USE** means an institutional use, public facility, or similar use in the residential (R-1, R-2, and R-3) zone.

**OCCUPATION** means an endeavor for profit.

**OWNER** means the owner of record or his/her authorized agent.

**PARCEL** means a tract of land that is created by a partitioning of land.

**PARKING SPACE** means a rectangle not less than eighteen (18) feet long and nine (9) feet wide for use by a vehicle.

**PERSON** means a natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

**PLANNING COMMISSION** means the Hood River County Planning Commission.

**PLANNING DIRECTOR** means the director of the Planning Department.

**PROFESSIONAL OFFICE** means a use involving professional services such as medical care, consulting, legal services, and other similar services.

**PROJECTION** means the distance by which a sign extends over public property or beyond the building line or architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than six inches into a required setback.

**PUBLIC FACILITY OR USE** means a facility or use which is necessary for the public health, safety, and welfare; including police, fire protection, sewage collection and treatment, storm drainage systems, water distribution and treatment, public health services, public recreational programs and facilities, energy generation and distribution, telephone systems, solid waste disposal, transportation services, library services, and community government.
**PUBLIC PARK** means an open or enclosed tract of land set apart and devoted for the purposes of recreation, ornament, light, and air for the general public.

**QUASI-JUDICIAL HEARING** means a hearing wherein the hearing body is required to apply general standards and criteria to a specific set of facts in order to determine the conformance of the facts to the applicable criteria which results in a determination that will directly affect a small number of identifiable persons.

**RECREATIONAL VEHICLE** means a vehicle or trailer designed for highway use that is intended or used for human occupancy to be used temporarily for recreational purposes.

**RESIDENTIAL OR RESIDENTIAL USE** means the occupancy of living accommodations on a non-transient basis.

**RESIDENTIAL CARE FACILITY** means a treatment or training facility duly licensed by the State of Oregon, which provides residential care alone or in conjunction with treatment or training for six to 15 individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

**ROOF LINE** means the ridge on a gable, peaked roof, or the parapet of fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.

**SETBACK** means a line established by ordinance beyond which a building/structure may not be built. A legal setback line may be a property or vision or vehicle clearance line.

**SIGN** means any identification, description, illustration, symbol or device which is free-standing, affixed, painted, or bas relief upon an awning, building, structure or land, which communicates a message or idea, or identifies, or directs attention to a product, place, activity, person, institution, or entity.

**SIGN ABANDONMENT** means a sign structure not containing a sign for 120 days or a sign not in use for 120 continuous days.

**SIGN AREA** means the area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.

**SIGN, AWNING** means a temporary or moveable shelter supported entirely by the exterior wall of a building and composed of fabric or metal with a supporting rigid framework.

**SIGN, COMBINATION** means any sign incorporating any combination of the features of pole and projecting signs.
SIGN, DIRECTIONAL means a sign displayed strictly for direction, safety, education or convenience of the public, including signs which identify restrooms, public telephones, and parking area entrances and exits.

SIGN, DISPLAY SURFACE means the area made available by the sign structure for the purpose of display.

SIGN, ELECTRIC means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

SIGN, FREE-STANDING means a sign erected on a free-standing frame, mast, or pole and not attached to any building.

SIGN HEIGHT means the overall height of a sign or sign structure as measured from the average grade directly below the sign to the highest point of the sign or sign structure.

SIGN, PORTABLE means a temporary sign capable of being moved easily and is not permanently affixed to the ground or a structure.

SIGN, PROJECTING means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

SIGN, ROOF means a sign erected upon a roof line or parapet of a building or structure.

SIGN, SANDWICH BOARD means an A-board capable of being moved and not supported by a structure in the ground, nor attached to or erected against a structure.

SIGN STRUCTURE means any structure, which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

SIGN, TEMPORARY means any exterior sign, banner, pendant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, to be displayed for a period not exceeding 90 days.

SIGN, WALL means any sign attached to, erected against, or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

SINGLE-FAMILY DWELLING means a building designed or used exclusively for the occupancy of one (1) family and having housekeeping facilities for only one (1) family.

STANDING means the status of a person who has submitted oral testimony at a hearing or written testimony in conjunction with a hearing or administrative action. A person with standing shall be considered a party.
**STREET** means the entire width between the right-of-way lines of every public way for pedestrian, bicycle and vehicular traffic.

**STRUCTURE** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Driveways and walks less than thirty- (30) inches and fences six (6) feet or less above the ground on which they rest shall not be considered structures.

**SUBDIVIDE LAND** means the act of dividing an area or tract of land into four (4) or more lots within a calendar year, when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**SUBDIVISION** means the act of subdividing land or an area or tract of land, subdivided as defined in this article.

**TRIPLEX** means a building designed or used exclusively for the occupancy of three (3) families living independently of each other and having separate housekeeping facilities for each family.

**TOWNHOUSE** means a single-family dwelling unit constructed as one of a row of attached units separated by property lines with open space on at least two sides.

**TOWNHOUSE BUILDING** means a structure, which includes two or more townhouses.

**TOWNHOUSE PROJECT** means one or more townhouse buildings constructed on a building site where the land has been partitioned to reflect the townhouse property lines and the commonly owned property, if any.

**U.B.C. STANDARDS** means the Uniform Building Code Standards, promulgated by the International Conference of Building Officials, as amended and adopted by this jurisdiction.

**USE** means the proposed purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**VEHICLE CLEARANCE** means the triangular area formed at a corner or parcel by the intersection of a dedicated public right-of-way (improved or unimproved) and an alley, driveway, parking lot or loading area and a straight line joining said lines through points fifteen (15) feet back from their intersection. This vehicle clearance area shall provide an area of unobstructed vision.

**YARD** means an area unobstructed from the ground upwards, except as otherwise provided in this article.

**YARD, FRONT** means a yard extending from a building to the front lot line.

**YARD, REAR** means a yard extending from a building to the rear lot line.
YARD, SIDE means a yard extending from a building to the side lot line. When a parcel has two or more front yards, the remaining yards are to be considered side yards.

ZONE means one of the classifications of permitted uses into which the land area of the county is divided.
17.02 - ESTABLISHMENT OF LAND USE ZONES

SECTIONS:
17.02.010 Establishment and designation of Land Use Zones.
17.02.020 Zoning Map and Text.
17.02.030 Interpretation of Zone Boundaries.

17.02.010 ESTABLISHMENT AND DESIGNATION OF LAND USE ZONES
This article establishes the following land use zones:

<table>
<thead>
<tr>
<th>ZONES</th>
<th>MAP SYMBOL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Low Density</td>
<td>R-1</td>
</tr>
<tr>
<td>Urban Standard Density</td>
<td>R-2</td>
</tr>
<tr>
<td>Urban High Density</td>
<td>R-3</td>
</tr>
<tr>
<td>Office/Residential</td>
<td>C-1</td>
</tr>
<tr>
<td>General Commercial</td>
<td>C-2</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>LI</td>
</tr>
<tr>
<td>Open Space/Public Facility</td>
<td>OS</td>
</tr>
</tbody>
</table>

17.02.020 ZONING MAP AND TEXT
A. The boundaries of the zones established in this article are indicated on a map entitled the “Hood River Urban Growth Area”.

17.02.030 INTERPRETATION OF ZONE BOUNDARIES
Where, due to the scale, lack of detail or legibility of the Official zoning map, there is uncertainty, contradiction, or conflict as to the intended location of any zoning boundary, the exact location may be determined by utilizing the following standards:

A. Street Lines. Where zone boundaries are indicated as approximately following the centerline or right-of-way line of streets, such lines shall be construed to be such zone boundaries.

B. Lot Lines. Individual property lines may be used to separate zoning boundaries. The zoning classification of a lot of record in which a zoning boundary divides the lot into two (2) or more zones shall be determined by the Planning Department and the owner.
17.03 LAND USE ZONES
(Amended Nov. 21, 2011 HRC Ord. #306 – IAMP)

SECTIONS:
17.03.010 Urban Low Density Residential Zone (R-1)
17.03.020 Urban Standard Density Residential Zone (R-2)
17.03.030 Urban Medium Density Residential Zone (R-3)
17.03.040 Office/Residential Zone (C-1)
17.03.050 General Commercial Zone (C-2)
17.03.060 Light Industrial Zone (LI)
17.03.080 Open Space/Public Facilities Zone (OS/PF)
17.03.090 1Interchange Area Management Plan (IAMP) Overlay Zone

17.03.010 URBAN LOW DENSITY RESIDENTIAL ZONE (R-1)

A. Permitted Uses:
1. Single-family dwellings and accessory structures
2. Home occupations
3. Manufactured homes
4. Mobile home parks
5. Family day care
6. Residential Care Facilities

B. Conditional Uses: In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:
1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches

C. 2Site Development Requirements. The minimum lot or parcel size shall be 7,000 square feet. The minimum requirements for building sites are as follows:
1. Per dwelling unit a minimum of 7,000 square feet.
2. A minimum frontage of 50 feet on a dedicated public street.
3. A minimum frontage of 30 feet on a public dedicated cul-de-sac.

D. Setback Requirements. The minimum setback requirements shall be as follows:
1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public streets.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed

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1 Additional Section 17.03.090 added on November 21, 2011 HRC Ordinance 306 IAMP - Overlay Zone
2 Amended 17.03.010 “C” for language clarification on March 18, 2002.
to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.

3. Side yard/rear yard.
   a. No structure shall be placed closer than 6 feet from the side property line.
   b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
   c. No structure shall be placed closer than 10 feet from the rear property line.
   d. Projections may not encroach more than three (3) inches for each foot of required yard width.

E. Maximum Building Height: 35 feet

F. Parking Regulations.
   1. Individual dwelling units shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be within the required front yard setback area.
   2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
   3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
      a. New construction
      b. Change of use
      c. New or expanded parking area
17.03.020 URBAN STANDARD DENSITY RESIDENTIAL ZONE (R-2)

A. Permitted Uses:
1. Single-family dwellings and accessory structures
2. Duplexes
3. Townhouses
4. Home occupations
5. Manufactured homes
6. Bed and breakfast facilities
7. Mobile home parks
8. Family day care
9. Residential Care Facilities
10. Group Residential, if less than 15 persons

B. Conditional Uses:
1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches

C. Site Development Standards. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites – are as follows:
1. Per dwelling unit or duplex a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of 50 feet on a dedicated public street.
4. A minimum frontage of 30 feet on a dedicated public cul-de-sac.

D. Setback Requirements. The minimum setback requirements shall be as follows:
1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
   a. No structure shall be placed closer than 5 feet from the side property line.
   b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
   c. No structure shall be placed closer than 10 feet from the rear property line.
   d. Projections may not encroach more than three (3) inches for each foot of required yard width.

E. Maximum Building Height: 35 feet

1 Amended 17.03.020 “C” for language clarification on March 18, 2002.
F. Parking Regulations.
   1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area.
   2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
   3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
      a. New construction
      b. Change of use
      c. New or expanded parking area
17.03.030 URBAN MEDIUM DENSITY RESIDENTIAL ZONE (R-3)

A. Permitted Uses:
   1. Single-family dwellings and accessory structures
   2. Duplexes and triplexes
   3. Townhouses
   4. Multiple-family dwellings, subject to site plan review
   5. Rooming and boarding houses
   6. Manufactured homes
   7. Home occupations
   8. Bed and breakfast facilities
   9. Mobile home parks
   10. Family day care
   11. Residential Care Facilities
   12. Group Residential, if 15 or more persons, subject to site plan review

B. Conditional Uses:
   1. Hospitals, sanitariums, rest homes, nursing, or convalescent home
   2. Schools and child care centers
   3. Public parks, playgrounds and related facilities
   4. Utility or pumping substations
   5. Churches
   6. Planned unit developments
   7. Professional offices
   8. Hostels

C. Site Development Requirements. The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:
   1. Per dwelling unit or duplex a minimum of 5,000 square feet
   2. Per townhouse building, a minimum of 2,100 square feet for the first two and a minimum of 1,500 square feet for each additional townhouse
   3. A minimum frontage of fifty (50) feet on a dedicated public street.
   4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.

D. Setback requirements. The minimum setback requirements shall be as follows:
   1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a public dedicated street.
   2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the public dedicated streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
   3. Side yard/rear yard.
      a. No structure shall be placed closer than 5 feet from the side property line.

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1 Amended 17.03.030 “C” for language clarification on March 18, 2002.

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b. Structures greater than 28 feet in height shall be 8 feet from the side property line.
c. No structure shall be placed closer than 5 feet from the rear property line.
d. Projections may not encroach more than three (3) inches for each foot of required yard width.
e. Structures greater than 28 feet in height shall be 10 feet form the rear property line.

E. Maximum building Height: 35 feet

F. Parking Regulations.
   1. All individual dwelling units, duplexes and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
   2. Multi-Family dwellings shall be required to furnish one and one-half (1-1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.
   3. Required setback areas may be utilized for off-street parking for Multi-Family dwellings.
   4. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
   5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
      a. New construction
      b. Change of use
      c. New or expanded parking area

G. Landscaping. All landscaping shall be in conformance with the landscape standards in this article.
17.03.040 OFFICE/RESIDENTIAL ZONE (C-1)

A. Permitted Uses Subject to Site Plan Review:
   1. Professional offices
   2. Change of use
   3. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces
   4. Multi-family dwellings
   5. Group Residential, if 15 or more persons

B. Permitted Uses Not Subject to Site Plan Review:
   1. Single-family dwellings and accessory structures
   2. Townhouse projects
   3. Duplexes and triplexes
   4. Rooming and boarding houses
   5. Manufactured homes
   6. Home occupation
   7. Bed and breakfast facilities
   8. Family day care
   9. Residential Care Facility
   10. Group Residential, if less than 15 persons

C. Conditional Uses:
   1. Hospitals, sanitariums, rest homes, nursing or convalescent homes
   2. Schools and child care centers
   3. Public parks, playgrounds and related facilities
   4. Utility or pumping substations
   5. Churches
   6. Planned unit developments
   7. Public facilities and uses
   8. Hostels

D. Site Development Requirements:
   1. Minimum lot area: Per dwelling unit or duplex a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
   2. Minimum townhouse lot area: 2,100 square feet for the first two townhouses in a townhouse building and 1,500 square feet for each additional townhouse.
   3. Minimum frontage: 50 feet on a dedicated public street or 30 feet on a public dedicated cul-de-sac.
   4. Setback requirements:
      a. Professional offices. The standards outlined in the C-2 zone apply.

1 Amended 17.03.040 “D 1-2” for language clarification on March 18, 2002.
b. Residential uses or a combination of professional offices and residential uses. The standards outlined in the R-3 zone apply.

5. **Maximum Building Height**: 35 feet.

6. **Parking Regulations:**
   a. Professional Offices. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case, shall there be less than two (2) off-street parking spaces. The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hood, including the Hook.

   b. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances.
      i. New construction
      ii. Change of use
      iii. New parking area

   c. Residential Uses.
      i. All individual dwelling units, duplexes and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
      ii. Multi-Family dwellings shall be required to furnish one and one-half (1-1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.
      iii. Required setback areas may be utilized for off-street parking for Multi-Family dwellings.
      iv. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

7. **Lighting**: Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than 15 feet shall not be permitted.

E. **Landscaping**: All landscaping shall be in conformance with the landscape standards in this article.
17.03.050 GENERAL COMMERCIAL ZONE (C-2)

A. Permitted Uses Subject to Site Plan Review:
   1. Commercial uses
   2. Industrial uses incidental and essential to an on-site commercial use (refer to Section F)
   3. Change of use
   4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces
   5. Multi-family dwellings
   6. Group Residential, if 15 or more persons

B. Permitted Uses Not Subject to Site Plan Review:
   1. Single family dwellings and accessory structures
   2. Townhouse projects
   3. Duplexes and triplexes
   4. Rooming and boarding houses
   5. Manufactured homes
   6. Home occupations
   7. Bed and breakfast
   8. Family day care
   9. Residential Care Facility
   10. Group Residential, if less than 15 persons

C. Conditional Uses:
   1. Hospitals, sanitariums, rest homes, nursing or convalescent home
   2. Schools and day care facilities
   3. Public parks, playgrounds and related facilities
   4. Utility or pumping substations
   5. Churches
   6. Planned unit developments
   7. Public facilities and uses
   8. Hostels

D. Site Development Requirements:
   1. Area: None
   2. Minimum frontage: Fifty (50) feet on a dedicated public street or thirty (30) feet on a public dedicated cul-de-sac.
   3. Minimum yard setbacks:
      a. Front – none required
      b. Side and rear – not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.
4. **Maximum Building Height:**
   a. 35 feet for residential use;
   b. 45 feet for commercial use or for mixed commercial and residential use. No commercial structure shall exceed a height of forty-five (45) feet.

5. **Parking Regulations:** One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case shall there be less than two (2) off-street parking spaces. The Central Business District, the Heights Business District and the Waterfront shall be exempt from this requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook.

6. **All parking areas and driveways** shall be hard surfaced prior to occupancy, under the following circumstances:
   a. New construction
   b. Change of use
   c. New parking area

   All residential uses not specifically referenced above shall comply with the off-street parking standards of the R-3 Zone, as follows:

   a. All individual dwelling units, duplexes and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.

   b. Multi-Family dwellings shall be required to furnish one and one-half (1 1/2) off-street parking spaces per dwelling unit on or adjacent to the building site.

   c. Required setback areas may be utilized for off-street parking for Multi-Family dwellings.

   d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

   e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.

7. **Lighting:** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than 15 feet shall not be permitted.
E. **Landscaping.** All landscaping shall be in conformance with the landscaping standards in this article.

F. 1**Manufacturing.** Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise, shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration, shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.
6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements.

Major renovations are considered any activity on the exterior of a building that exceeds ten percent of the structure’s cost or fair market value or $75,000, whichever is more, as determined by the building official:

a. The building entrance shall be oriented toward the primary street, whenever physically possible.
b. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
c. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
d. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers and a storefront cornice.
e. For properties located within the Downtown Local Historic District, refer to the District’s Design Guidelines.

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1 Subsection “F” amended to Section 17.03.050 on March 18, 2002.
G. 1**Commercial Buildings Between 25,000 square feet and 50,000 square feet.** No new buildings shall exceed a combined contiguous length of 300 feet; nor shall any one building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to 10% in area or length beyond their original area or length. Neither the gross square footage nor combined contiguous building length as set forth in this section shall be changed by variance.

The following standards shall apply to buildings or a group of buildings on one site over 25,000 square feet in size:

1. Buildings shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional and shall be open to the public during all business hours. Public sidewalks shall be provided adjacent to a public street along the entire street frontage.

2. Building facades greater than 100 feet in length shall have offsets, jogs, or other architectural distinctive changes.

3. Any wall, which is within 30 feet of the street, plaza or other public open space, shall contain at least 20% of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Blank walls within 30 feet of the street are prohibited. Up to 40% of the length of the building perimeter, with the exception of the side facing the street, is exempt from this standard if facing toward loading or service areas.

4. A building shall be setback not more than 20 feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least 25% of the aggregate building frontage shall be within 20 feet of the sidewalk.

5. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees and small scale lighting.

6. One street tree chosen from the street tree list shall be placed along the perimeter of the parcel fronting the street for each 30 feet of frontage for that portion of the development facing the street.

7. Landscaping shall be designed so that 50% coverage occurs after one year from the date the certificate of occupancy is issued and 90% landscaping coverage occurs after 5 years from the date the certificate of occupancy is issued.

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1 Subsection G amended to Section 17.03.050 on January 22, 2002, HRC Ordinance 238
8. Parking areas shall be shaded on the interior and exterior by deciduous trees, buffered from adjacent non-residential uses and screened from residential uses. The appearance of a “sea of asphalt” shall be avoided.

9. A ratio of one tree for each seven (7) parking spaces shall be required to create a canopy effect. The trees shall be an appropriate large, canopied shade tree and/or a conifer.

10. Landscaped areas shall be substantially evenly distributed throughout the parking area and parking perimeter.
17.03.60  LIGHT INDUSTRIAL ZONE (LI)

A. Permitted Uses Subject to Site Plan Review:
   1. Limited industrial uses such as manufacturing, processing, warehousing, and outside storage, including change of use.
   2. Commercial uses incidental and essential to an on-site industrial use.
   3. Change of use.
   4. Parking lots of 4 or more spaces, new or expanded, and or the equivalent of paving equal to 4 or more parking spaces.

B. Permitted Uses Not Subject to Sit Plan Review:
   1. Temporary uses not exceeding thirty (30) days.
   2. Caretaker’s residence for an on-site industrial use.

C. Conditional Uses
   1. Public facilities and uses, including change of use.

D. Site Development Requirements:
   1. Minimum Lot Area: None.
   2. Minimum Setbacks: None.
   3. Maximum Building Height: 45 feet.
   5. Parking Regulations: One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case shall there be less than two (2) off-street parking spaces. The Central Business District, the Heights Business District and the Waterfront shall be exempt from the requirement. Waterfront means the area of the City west of the Hood River, north of I-84 and east of the Hook, including the Hook. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off street loading facilities.
   6. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
      a. New construction
      b. Change of use
      c. New parking area
   7. Lighting: Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than 15 feet shall not be permitted.
E. **Landscaping.** All landscaping shall be in conformance with the landscape standards in this article.
17.03.080 OPEN SPACE/PUBLIC FACILITIES ZONE (OS/PF)

The purpose of the Open Space/Public Facilities Zone is to provide land areas for parks and other necessary public facilities. This zone is also intended to serve as the mechanism to implement the public parks land use designation of the Comprehensive Plan. Permitted uses not subject to site plan review in this zone shall include, but are not limited to: recreational activities, non profit community activities and arts festivals.

A. Permitted Uses
   1. Permitted Uses subject to Site Plan Review:
      a. Public parks: Playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts
      b. Municipal and governmental services and functions.

B. Site Development Requirements: None.

C. Setback Requirements. The minimum setback requirements shall be as follows:
   1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public street.

   2. Side yard/rear yard: No structure shall be placed closer than ten (10) feet from the property lines for one (1) and two (2) story structures and for structures more than two (2) stories in height, the minimum yard is increased one (1) foot for each additional story. Projections may not encroach more than two (2) inches for each foot of required yard width.

D. Maximum Building Height. 45 feet

E. Parking Regulations. Municipal and governmental offices: One (1) off-street parking space shall be provided on the building site or adjacent to the site for each permanent employee and adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of the proposed use.

   All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
      a. New construction
      b. Change of use
      c. New parking area

F. Landscaping. All landscaping shall be in conformance with the landscape standards in this article.
17.03.090 Interchange Area Management Plan (IAMP) Overlay Zone

The purpose of the IAMP Overlay Zone is the long-range preservation of operational efficiency and safety of the highway interchanges within the City of Hood River, which provides access from and to Interstate 84 for residents and businesses throughout the City and Hood River County. The interchanges are a vital transportation link for regional travel and freight movement and provide connectivity between the east and west side of the community and to employment and recreational opportunities at the waterfront. Preserving capacity and ensuring the safety of these interchanges and the local transportation systems in their vicinity is essential to visitors, residences, and existing businesses as well as to the continued economic vitality along the Columbia River and to community growth and development in the vicinity of the interchanges.

A. Boundary. The boundary of the IAMP Overlay Zone is shown on the Hood River County Zoning Map. The Overlay Zone is applied in two boundary areas, one centered around Exit 62 and the other encompassing both Exit 63 and Exit 64. These boundary areas apply to land in the city and county.

B. Applicability. The provisions of this section shall apply to any Administrative, Quasi-judicial, or Legislative land use application that is for a parcel wholly or partially within the IAMP Overlay Zone, as defined by Section 17.03.090(A) above. Any conflict between the standards of the IAMP Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in favor of this chapter and the applicable requirements in Chapter 17.20, Transportation Circulation and Access Management.

C. Permitted Land Uses. Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Zoning Ordinance and in Chapter 16, Land Division Ordinance.

D. Comprehensive Plan and Zoning Map and Text Amendments. This Section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay Zone and code amendments that affect development within the IAMP Overlay Zone. In addition to meeting the requirements of Article 60 (Administrative Procedures) and Article 62 (Legislative Procedures), applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall meet the requirements of the Transportation Planning Rule, Oregon Administrative Rule (OAR) 660-012-0060, including making a determination whether or not the proposed change will significantly affect an existing or planned transportation facility.

E. IAMP Review and Update

The IAMP document must be reviewed and possibly updated in association with a proposed change to the County Comprehensive Plan, Plan Map, or implementing zoning

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3 Amended Section 17.03 on November 21, 2011 HRC Ordinance 306, IAMP - Overlay Zone
ordinances that will have a “significant effect” on one or more I-84 Interchanges pursuant to OAR 660-12-0060.

1. An IAMP update is required when the findings and conclusions from an IAMP review demonstrate the need for an update to the plan in order to mitigate identified impacts to interchange facilities. The agency or person(s) proposing the change shall be responsible for reviewing and initiating an update to the applicable IAMP(s), consistent with the procedures outlined in the IAMP.

2. An updated IAMP that results from a County-initiated review process pursuant to Section 17.03.090(E) shall be legislatively adopted, requiring a Board of County Commissioners public hearing, as an amendment to the Hood River County Transportation System Plan and will be adopted by the Oregon Transportation Commission as an update to the Oregon Highway Plan.
CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

SECTIONS:
  17.04.010 Maintenance of Minimum Ordinance Requirements
  17.04.020 Access/Frontage
  17.04.030 General Provisions Regarding Accessory Uses or Structures
  17.04.040 Exceptions to Building Height Limitations
  17.04.050 Fences
  17.04.060 General Requirements for Parking Lots
  17.04.070 General Exceptions to Lot Area Requirements
  17.04.080 Illegal Occupancy
  17.04.090 Vision Clearance Area
  17.04.100 Home Occupation
  17.04.110 Bed and Breakfast

17.04.010 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS
No lot area, yard, or other open space existing on or after the effective date of the ordinance codified in this article shall be reduced below the minimum required for it by this article. No lot area, yard, or other open space, which is required by this article for one (1) use, shall be used as the required lot area, yard, or other open space for another use.

17.04.020 ACCESS/FRONTAGE
Every lot or parcel shall have access and frontage on a street other than an alley, for at least twenty (20) feet of width.

17.04.030 GENERAL PROVISIONS REGARDING ACCESSORY USES
An accessory use or structure shall comply with the requirements for a principal use.

17.04.040 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS
Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this article.

17.04.050 FENCES
Fences and walls not more than six (6) feet in height are permitted within or on all property lines and on corner lots or parcels when vision clearance requirements are met.

17.04.060 GENERAL REQUIREMENTS FOR PARKING LOTS
A parking lot, whether an accessory or principal use, intended for the parking of four (4) or more automobiles or trucks shall comply with the following stipulations:

A. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.

B. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
C. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and the maximum safety of pedestrians and vehicular traffic on the site.

D. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices.

E. Landscaping shall be in conformance with the landscape standards in this article. Duplexes are excluded from this requirement.

17.04.070 GENERAL EXCEPTIONS TO LOT AREA REQUIREMENTS
Lots of record existing as of December 1999 which are less than the required lot area and or have less than the required frontage specified in this article may be utilized provided all other requirements of the zone are met.

17.04.080 ILLEGAL OCCUPANCY
Any use of premises or building which deviates from or violates any of the provisions of this article shall be termed an illegal occupancy and the persons responsible therefore shall be subject to the penalties provided herein.

17.04.090 VISION CLEARANCE AREA
Corner lots or parcels in all residential zones shall provide and maintain a vision clearance area. A "vision clearance area" is defined as a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. See Attachment “A”.

The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) feet to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

17.04.100 HOME OCCUPATION
The following criteria apply to a home occupation, as defined in this code:

It shall not give the appearance of a business.

A. It shall not change the character of the dwelling.

B. There shall be no display, except by a non-illuminated sign no larger than one (1) square foot.

C. No more than one assistant shall be employed on the site.

D. There shall be no increase in noise outside the dwelling unit.
E. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.

17.04.110 BED AND BREAKFAST FACILITIES
Bed and Breakfast facilities are permitted in the Urban Standard Density Residential (R-2), Urban Medium Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

A. Approval Standards:

1. The structure shall retain the characteristics of a single-family dwelling.

2. The number of guestrooms shall be limited to five (5). The number of guests shall be limited to ten (10).

3. In addition to required off-street parking for the residential use, one (1) hard surfaced off-street parking space shall be provided for each bed and breakfast guestroom.

4. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1 1/2) square feet. No off-premises signs are permitted.

5. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to applicable County ordinances.

6. A bed and breakfast facility shall be subject to approval by the County Health Officer, the Fire Marshal, and the Building Official.

7. The bed and breakfast facility shall be owner or manager occupied.
CHAPTER 17.06 - CONDITIONAL USES

SECTIONS:

  17.06.005 Purpose
  17.06.010 Authorization of Conditional Uses
  17.06.020 Application and Plan Requirements
  17.06.030 Approval Criteria
  17.06.040 Time Limit on a Permit for a Conditional Use
  17.06.050 Appeals on Conditional Use decisions

17.06.005 PURPOSE
A conditional use permit is a mechanism by which the county may require specific conditions of development or of the use of land to ensure that designated uses or activities are compatible with other lawful uses in the same zone and in the vicinity of the subject property.

17.06.010 AUTHORIZATION OF CONDITIONAL USES
A. The conditional uses listed in this ordinance are common types of land uses that may have an impact on a neighborhood. A conditional use application is required for all uses listed as a conditional use in this ordinance. Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise changed upon approval by the Planning Director in accordance with the standards and conditions in this section.
B. In the case of a use existing prior to the effective date of the ordinance codified in this ordinance and which is classified as a conditional use, any change in that use is subject to the provisions of this section.
C. As used in this section, changes in use shall include, at a minimum, expansion of the use, expansion or alteration of the structure or developed area, change in the functional nature of the use, and/or change in the type of use.

17.06.020 APPLICATION AND PLAN REQUIREMENTS
A. An application for a conditional use permit shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form prescribed by the county in accordance with Article 60 – Administrative Procedures of the County Zoning Ordinance and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below and a narrative explaining how the applicable criteria are satisfied or will be satisfied through conditions.

B. The plan or drawing accompanying the application shall include the following information:
   1. Dimensions and orientation of the parcel.
   2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required.
3. Location and layout of parking and loading facilities.
4. Location of points of entry and exit and internal circulation patterns for vehicular and non-vehicular traffic.
5. Location of existing and proposed wall and fences and indication of their height and materials.
6. Proposed location and type of exterior lighting.
7. Proposed location and size of exterior signs.
8. Site specific landscaping, including percentage of total net area.
9. Location and species of trees greater than six inches in diameter when measured four feet above the ground, and an indication of which trees are to be removed.
10. Topographic map of the subject property using two foot contour intervals (five foot contour intervals may be allowed on steep slopes).
11. Natural drainage and other significant natural features.
12. Legal description of the lot.
13. Percentage of the lot covered by all proposed and remaining structures, to include asphalt concrete and Portland Cement Concrete.
14. Locations and dimensions of all easements and nature of the easements.
15. Service areas for uses such as loading and delivery.
17. Other site elements which will assist in evaluation of the proposed use.
18. A brief narrative on the nature of the activity shall accompany the site plan, including the number of employees, the method of import and export, the hours of operation including peak times, and plans for future expansion.

17.06.030 APPROVAL CRITERIA
A conditional use shall be granted if the Planning Director finds that the proposed use conforms, or can be made to conform through conditions, with the following approval criteria. For purposes of this section, the surrounding area includes all property within the applicable notice area for a use. In addition, any property beyond the notice area may be included in the surrounding area if the Planning Director finds that it may be adversely impacted by the proposed use.

A. Conditional Uses are subject to Site Plan Review Decision Criteria, in addition to the following:

B. Impact. The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:
1. Any harmful effects on desirable neighborhood characteristics and livability.
2. Bicycle and pedestrian circulation, access and safety.

C. Nuisance. The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

D. Plan Consistency: The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.
E. **Scale:** The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.

F. **Landscaping:** Landscaping shall be in conformance with the landscape regulations of this article.

G. **Performance Bonds:** When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.

H. **Final Plans:** If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the County.

17.06.040 **TIME LIMITS ON A PERMIT FOR A CONDITIONAL USE**
The Conditional Use permit is valid for a period of two years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one-year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstances or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than 30 days prior to the expiration of the permit.

17.06.050 **APPEAL**
Final decisions on Conditional Uses may be appealed.
CHAPTER 17.07 - PLANNED DEVELOPMENTS (Adopted August 4, 2008, HRC Ord. # 288)

SECTIONS:
17.07.010 Purpose
17.07.020 Applicability
17.07.030 Applicable Procedures
17.07.040 Applicability in Commercial and Industrial Zones
17.07.050 Allowed Uses
17.07.060 Applicability of the Base Zone Development Standards
17.07.070 Private Streets
17.07.080 Preliminary Development Plan Submission Requirements
17.07.090 Approval Criteria
17.07.100 Shared Open Space
17.07.110 Noncompliance and Bonding

17.07.010 PURPOSE
The purposes of the planned development are:
1. To provide a means for creating planned environments that are equal or better than that resulting from traditional lot-by-lot land use development through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices;
2. To facilitate the efficient use of land;
3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site;
5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways and thereby maximizes the opportunities for innovative and diversified living environments; and
6. To encourage commercial and industrial development that includes a mix of uses, is designed in a manner that mitigates impacts to surrounding uses, includes well designed buildings that contribute the character of Hood River and a thoughtful site plan.

17.07.020 APPLICABILITY
A. Zones. The planned development designation is applicable to all zones within the Urban Growth Area of the City of Hood River.

B. Minimum site size for residential development. Residential development in the R-1 zone shall have a minimum parcel size of a half (½) acre to apply the planned development process. There is no minimum size for R-2 and R-3.
C. Density Calculations for a Planned Unit Development:
*All projects can get a 30% bonus density for affordable housing only.

<table>
<thead>
<tr>
<th>SIZE</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infill PUDs</td>
<td>Total lot area divided by base zone.</td>
<td>Infill projects are projects</td>
<td></td>
</tr>
<tr>
<td>2 acres or less</td>
<td>Subtract 40% from total area before dividing for base density.</td>
<td>Subtract 30% from total area before dividing for base density.</td>
<td>Subtract 30% from total area before dividing for base density.</td>
</tr>
<tr>
<td>More than 2 acres</td>
<td>Subtract 50% from total area before dividing for base density.</td>
<td>Subtract 40% from total area before dividing for base density.</td>
<td>Subtract 30% from total area before dividing for base density.</td>
</tr>
</tbody>
</table>

For density calculation purposes the final number shall be rounded down to the next whole number if the calculation is .49 and rounded up to the next whole number if the calculation is .50.

*Prior to a project being accepted for inclusion in the 30%, the applicant’s justification to include a) how the units will not become second homes; b) how the units will be prevented from being resold at market value; c) how they will not be immediately “flipped” for a quick profit; d) what income range are the residents? shall be approved by the County and made part of the PUD approval.

D. Mandatory for Commercial and Industrial Developments. Developments with commercial uses that are greater than two and one half (2 ½) acres and developments with industrial uses greater than five (5) acres are required to use the planned development overlay. For projects that come under this category, the 30% open space requirement is not required.

17.07.30 APPLICABLE PROCEDURES
A. Approval Process.
1. Preliminary Development Plat Approval. Preliminary development plan approval shall be processed as a Quasi-Judicial Action.

2. Final Development Plan Approval. Final development plan approval shall be processed as a Ministerial Action.

B. Concurrency with Subdivision and Partition Application. If the application involves the division of land the applicant shall file concurrently or file for subdivision or partition approval prior to applying for Planned Development approval. If filed concurrently, preliminary plat approval shall be processed along with preliminary plan approval and the final development plan shall be submitted for approval and filed along with the final plat.

C. Time limit on filing of final development plan. Within two (2) years after the date of the Planning Commission approval of the preliminary development plan, the owner shall prepare and file with the Planning Director a final development plan. Action on the final development plan shall be ministerial by means of a Ministerial Action using the following approval criteria:
1. The Planning Director shall approve the final development plan upon finding that the plan conforms with the preliminary development plan approved, or approved with conditions by the Commission.

D. Preliminary development plan changes. The applicant may request modifications to the preliminary development plan. Approval is based on the following procedures and criteria.

1. Minor Modifications: An application for approval of a minor modification shall be reviewed as a Ministerial Action, and the review shall be limited in scope to the modification requested. A minor modification shall be approved, or approved with conditions, if the preliminary development plan continues to meet the applicable standards and criteria and is not a major modification as defined below. The modification shall be processed as a minor modification(s) if the Planning Director finds that all of the following criteria are met by the proposed changes listed below:

   a. There will be no change in land use;
   b. There will be no increase in the number of dwelling units;
   c. There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
   d. There will be less than a 5 percent (5%) change in the floor area proposed for non-residential use where previously specified;
   e. There will be a less than 5 percent (5%) change in the area reserved for common open space and/or usable open space; and
   f. There will be a less than 5 percent (5%) change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.

2. Major Modification

   a. Major Modification Request. An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action and the review shall be limited in scope to the modification requested. A major modification shall be approved or approved with conditions if the preliminary development plan will continue to meet all applicable criteria. All modifications to an approved development plan that are not minor modifications as provided above, shall be reviewed as major modifications.

E. Extension. Extensions shall be processed as Ministerial Actions. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one (1) year provided that:

   1. No changes have been made on the preliminary development plan as approved by the Planning Commission and as modified pursuant to the modification section above;
   2. The applicant can show intent of applying for final development plan review within the one (1) year extension period; and
   3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.
F. **Phased development.**
   1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five (5) years without reapplying for preliminary development plan review.
   2. A phased development plan proposal shall be approved subject to the following conditions:
      a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and
      b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
      c. The final phase shall be completed and ready for occupancy no later than five (5) years from the date of the final development plan approval.
   3. If the final phase is not completed within the five (5) year time period the Planned Development will be in noncompliance with this chapter.

17.07.040 **APPLICABILITY IN COMMERCIAL AND INDUSTRIAL ZONES**

A. **By election.** An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.

B. **As condition of approval in commercial and industrial developments.** An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

17.07.050 **ALLOWED USES**

A. **In residential zones.** Planned developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:
   1. All uses allowed outright or by condition in the underlying zoning district;
   2. Single-family detached and attached residential units;
   3. Duplex residential units;
   4. Multi-family residential units;
   5. Manufactured homes;
   6. Public and institutional uses;
   7. Indoor recreation facility such as athletic club, fitness center, racquetball court, swimming pool, tennis court or similar use;
   8. Outdoor recreation facility such as golf course, golf driving range, swimming pool, tennis court, or similar use; and
   9. Recreational vehicle storage area, for the Planned Unit Development residents only.

B. **In commercial zones.** Planned developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

C. **In industrial zones.** Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.
17.07.06 APPLICABILITY OF THE BASE ZONE DEVELOPMENT STANDARDS

A. Compliance to specific development standards. The provisions of the base zone are applicable as follows:

1. Lot dimensional standards: The minimum lot size standards shall not apply. Minimum frontage standards do not apply to buildings interior to the Planned Development.

2. Building height: Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings, the height may be increased one (1) foot for each additional foot of setback up to a maximum of one hundred twenty percent (120%) of the base zone height standard. To qualify, a building shall have eighty percent (80%) of the building footprint more than thirty five (35) feet from the Planned Development site boundary. See diagram “B” below. No height increases are allowed for residential buildings.

Diagram “B” – Planned Development Boundary

3. Structure setback provisions:
   a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
   b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
   c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
      (1) A minimum front yard setback of 20 feet is required for any garage structure which opens facing a street.
      (2) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

B. Other provisions of the base zone. All other provisions of the base zone shall apply except as modified by this chapter.
17.07.070 PRIVATE STREETS
Private streets are allowed as part of a Planned Development when they conform to the following standards:
A. Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic.
B. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width.

17.07.080 PRELIMINARY DEVELOPMENT PLAN SUBMISSION REQUIREMENTS
A. Preapplication Conference. Prior to submittal of a planned development application, the applicant, or the applicant's representative shall attend a preapplication conference.

B. General submission requirements. The application shall contain all of the following:
   1. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
   2. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed. The statement should include the anticipated rate of development, the approximated dates when each stage will be completed, and the area, location and degree of development of common open space that will be provided at each stage.
   3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
   4. A narrative statement documenting compliance with the applicable approval criteria contained in this Chapter.
   5. A preliminary development plan.

C. Additional information. In addition to the general information described in Subsection B above, the preliminary development plan, data, and narrative shall include the following information:
   1. A map showing street systems, lot or partition lines and other divisions of land for management use or allocation purposes;
   2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses;
   3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around building and structures;
   4. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
   5. The following plans and diagrams:
      a. An off-street parking and loading plan;
      b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
      c. A landscaping and tree plan;
   6. A copy of all existing or proposed restrictions or covenants.
17.07.090 APPROVAL CRITERIA

A. Specific planned development approval criteria. The following approval criteria shall apply to the planned development;

1. All the provisions of the land division provisions, Title 16, shall be met.

2. Except as noted, the Conditional Use Decision Criteria shall be the approval criteria. A planned development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the Conditional Use Chapter. The developer may choose to provide or the commission may require additional amenities, landscaping or tree planting.

3. A minimum of 30 percent (30%) of a planned development site area shall be reserved as common open space. Open space means an area intended for common use either privately owned and maintained or dedicated to the County. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.

4. Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed 33 percent (33%) as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase that the Planning Commission may approve according to the following:
   a. A maximum of 10 percent (10%) is allowed for the inclusion of at least six (6) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
   b. A maximum of 20 percent (20%) is allowed for the inclusion of at least nine (9) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
   c. A maximum of 33 percent (33%) is allowed for the inclusion of at least twelve (12) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate. See the following Diagram “C” for examples of architectural features.

   (1) Dormers
   (2) Gables
   (3) Recessed entries
   (4) Covered porch entries
(5) Cupolas or towers
(6) Pillars or posts
(7) Eaves (min. 18-inch projection)
(8) Off-sets in building face or roof (minimum 16 inches)
(9) Window trim (minimum 4-inches wide)
(10) Bay windows
(11) Balconies
(12) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
(13) Decorative cornices and roof lines (e.g., for flat roofs)
(14) Facade articulation (Siding materials should only be changed along horizontal lines)
(15) High quality exterior siding material High quality means that there should be a single clearly dominant material for all exterior walls. Brick, stucco and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials.
(16) An alternative feature providing visual relief, similar to options (1)-(15) above.

5. The following criteria shall apply to all Planned Developments unless otherwise specified as applicable only to certain specific uses.

a. Relationship to the natural and physical environment:
   (1) The streets, buildings and other site elements shall be designed and located to preserve the existing trees, topography and natural drainage to the greatest degree possible;
   (2) Structures located on the site shall not be in areas subject to ground slumping and sliding;
   (3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection;
   (4) The structures shall be oriented with consideration for the sun and wind directions, where possible; and

b. Private outdoor area - multi-family use:
   (1) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty eight (48) square feet;
   (2) Wherever possible, private outdoor open spaces should be oriented toward the sun; and
   (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

c. Shared outdoor recreation areas - multi-family use:
   (1) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
(a) Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit; and
(b) Three or more bedroom units shall provide 300 square feet per unit.

(2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety;

(3) The required recreation space may be provided as follows:
   (a) All outdoor space; or
   (b) Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room); or
   (c) All public or common space; or
   (d) Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit; or
      i. Where balconies are added to units, the balconies shall not be less than forty eight (48) square feet.

d. Parking:
   (1) Up to fifty percent (50%) of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the planned development as long as each single-family lot contains one off-street parking space.

e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the one hundred (100) year floodplain, the County shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
Diagrams C - Examples of Architectural Features

Example of Façade Articulation

Example of Exterior Siding Material
Examples of Architectural Features

Single Family
(e.g., Two Stories)

Dormers
Offsets Gables

Eaves
Window Trim
Bay Window

Recessed Entries/Covered Front Porches

Hemi-Family Housing

Gables with Eaves
Offset Balcony
Recessed Entry

End Wall Windows
Window Trim
B. **Additional criteria for commercial and industrial development.** In addition to the specific planned development approval criteria above, planned developments with commercial and industrial uses shall meet the following criteria.

1. Commercial and industrial uses which abut existing residential zones shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise.

2. Commercial projects are encouraged to include housing as a secondary use as appropriate.

3. All commercial buildings shall contribute to the storefront character and visual relatedness of surrounding buildings. This criterion is met by providing all of the architectural features listed below along the front building elevation (i.e., facing the street), as applicable.
   (1) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
   (2) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
   (3) Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown below).
   (4) Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

   [Note: the example shown below is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]

C. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise, glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply;

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
2. A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

D. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features to break up and articulate large building surfaces and volumes.

E. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.
17.07.100 SHARED OPEN SPACE
The following requirements shall apply to common open space in each planned development:
1. The open space area shall be shown on the final development plan.
2. The open space shall be conveyed in accordance with one of the following methods:
   a. By dedication to the County as publicly-owned and maintained as open space. Open space proposed for dedication to the County must be acceptable to it with regard to the size, shape, location, improvement and budgetary and maintenance limitations;
   b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the County retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the County Attorney for guaranteeing the following:
      (1) The continued use of such land for the intended purposes;
      (2) Continuity of property maintenance;
      (3) When appropriate, the availability of funds required for such maintenance;
      (4) Adequate insurance protection; and
      (5) Recovery for loss sustained by casualty and condemnation or otherwise.
   c. By any method which achieves the objectives set forth above.

17.07.110 NONCOMPLIANCE AND BONDING
A. Noncompliance. Noncompliance with an approved final development plan shall be a violation of this chapter.
B. **Issuance of occupancy permits.** The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Planning Director determines that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the County to secure execution of the feature at a time certain not to exceed one (1) year.
17.09.010 PLACEMENT OF MANUFACTURED HOMES ON INDIVIDUAL LOTS – CLEAR AND OBJECTIVE CRITERIA
The following standards apply to manufactured homes on individual lots or parcels in all zones where manufactured homes are a permitted use:

A. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than twelve inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve-inch limitation will not apply.

C. The manufactured home shall have a pitched roof with a slope of not less than a nominal three feet in height for each twelve feet in width.

D. The manufactured home shall have exterior siding and roofing which in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on new residential dwellings within the community.

E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single-family dwellings constructed under the State Building Code.

17.09.020 ADDITIONAL CLEAR AND OBJECTIVE CRITERIA FOR MANUFACTURED HOMES IN THE R-1 ZONE
The following additional standards apply to manufactured homes on individual lots or parcels in the R-1 Zone:

A. All manufactured homes shall have a minimum eave extension of six inches.

B. Manufactured homes shall utilize at least five of the following design features to provide visual relief:

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas
6. Bay or bow windows
7. Garage
8. Window shutters
9. Skylights
10. Attached deck
11. Off-sets on building face or roof (min. sixteen inches)
12. Roof pitch of 5/12 feet or greater
13. Minimum eave extension of twelve inches, including gutters.

17.09.030 MOBILE HOME/MANUFACTURED DWELLING PARKS

Objective Criteria
The following requirements apply to new, expanded, or altered mobile home parks.

A. Parks are allowed in the R-1, R-2 and R-3 zones.
B. Parks are not permitted in commercial or industrial zones.
C. Minimum lot size of one acre with a maximum of two acres.
D. No park shall be established or expanded without first receiving approval of the Planning Commission.

17.09.040 INFORMATION REQUIRED FOR PRELIMINARY SITE PLAN REVIEW
The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department on a form obtained from the Planning Director, and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one inch representing fifty feet. The drawing shall show the following information:

A. Name of the property owner, the applicant, and the person who prepared the plan.
B. Name of the mobile home park and address.
C. Scale and north point of the plan.
D. Vicinity map showing relationship of mobile home park to adjacent properties.
E. Boundaries and dimensions of the mobile home park.
F. Location and dimensions of each mobile home site, with each site designated by number, letter, or name.
G. Location and dimensions of each existing or proposed structure.
H. Location and width of park streets
I. Location and width of walkways.
J. Location of each lighting fixture.
K. Location of recreational areas and buildings.
L. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials.
M. Location of point where mobile home park water system connects with the public system.
N. Location of available fire and irrigation hydrants.
O. Location of public telephone service for the park.
P. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.

17.09.050 FINAL SITE PLAN AND SUBMISSION REQUIREMENTS
At the time of application for final approval to construct a new mobile home park, or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies:
A. New structures.
B. Water supply and sewage disposal system.
C. Electrical systems.
D. Road, sidewalk, and patio construction.
E. Drainage system.
F. Recreational area improvements.

17.09.060 GENERAL STANDARDS FOR MOBILE HOME PARK DEVELOPMENT

A. **Access**: A mobile home park shall be established on a site that has frontage on, or access, approved by the County Engineer, to a publicly owned and maintained street. If the street is not publicly maintained, a maintenance agreement approved by the County Engineer will be required.

B. **Park Streets**: Construct well-drained and paved streets at least twenty feet in width, unobstructed and open to traffic within the mobile home park. The park street width and alignment shall be designed such that it will accommodate the backing and placement of the homes, which may require a larger than twenty foot street. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least thirty feet in width.

C. **Sidewalks**: A paved public sidewalk of not less than four feet in width shall be provided from each mobile home site to public and private streets, common open spaces, recreational areas, and community-owned buildings and facilities.

D. **Paving**: Park streets shall be paved with an asphalt or concrete surfacing, according to the structural specifications established by the County Engineer.

E. **Off-street Parking**:
   1. Two off-street parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the mobile home park, which shall be hard surfaced.
   2. Guest parking shall also be provided in every mobile home park, based on a ratio of one parking space for each four mobile home sites. Such parking shall be paved with an asphalt or concrete surface.

F. **Fencing and Landscaping**: A landscaping plan drawn to scale shall be submitted with the preliminary plan showing the following:

   Every mobile home park shall provide a visual buffer of evergreen, or other screening/planting along all boundaries of the mobile home park site abutting public roads or property lines except for points of ingress and egress with the exception of dwellings fronting and accessing a public dedicated street. Plantings shall not be less than five feet in height at the time of planting and shall be maintained in a healthy, living condition for the life of the mobile home park.
Landscaping shall be provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.

The landscaping plan shall show the location of all landscaped materials and include plant material, total number of individual plants being used and proposed watering system. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

G. Site Development Standards:

1. **Acreage:** There shall be a one-acre minimum and a two-acre maximum in the R-1, R-2 and R-3 zones.

2. **Density:**
   - R-1: 6-unit maximum per acre
   - R-2: 8-unit maximum per acre
   - R-3: 10-unit maximum per acre

3. **Setbacks:**
   a. No mobile home shall be located closer than ten feet from a public dedicated street. Garages facing a public dedicated street shall be twenty feet from the property line.
   b. No mobile home shall be located closer than ten feet from an interior park property line.

4. **Spacing:**
   a. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of ten feet, end-to-end or side-to-side.
   b. The distance between non-HUD approved mobile homes placed parallel to each other may be ten feet on one side, but must be at least fourteen feet on the other. When not placed parallel to each other, or when parallel if one or more of the units is a tip-out, non-HUD approved mobile homes may be ten feet apart on both sides, but must be at least fourteen feet apart for half their length. See Attachment "B".
   c. Adjacent mobile homes in all parks must be placed at least fourteen feet apart where a flammable or combustible fuel storage vessel is located on or between units.

5. Each mobile home shall have 120 square feet of one or more wooden decks or slabs of patios of concrete, flagstone or equivalent material.

6. All mobile homes within the park shall be provided with skirting.

7. New parks shall be placed at least 500 feet from another park excluding parks established prior to the effective date of this ordinance.
H. **Other Site Requirements:**

1. **Recreational area:** Recreation areas for the residents shall be provided with a minimum of 100 square feet for each mobile home site, however, every mobile home park shall have no less than a minimum of 5,000 square feet of common play area, which shall be maintained in a clean, usable, and safe condition.

2. **Accessories:** Accessory structures located on a mobile home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.

3. **Utilities:** All utilities including sewer, water, power, cable, telephone and others shall be placed underground. Utilities shall be designed by a State of Oregon licensed engineer and shall be reviewed and approved by the County Engineer.

4. **Drainage:** A drainage plan to facilitate storm water runoff shall be prepared by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.

5. **Trash Areas:** All mobile home parks shall have shared trash and rubbish facilities and these areas must also contain areas for recycling. These facilities shall be visually screened.

6. **Lighting:** Artificial lighting shall not glare, deflect, or reflect onto adjacent residential zones and residential uses in the park nor be unnecessarily bright.

7. **Addressing:** Address identification shall be standardized throughout the park. The park owners shall be required to provide the addresses and maintain them. The numbers must be four inches in size and labeled in the vertical position (reading left to right).

I. **State Requirements:** Rules and regulations governing mobile home facilities as contained in Oregon Revised Statute, Chapter 446, shall be applicable in the development and operation of a mobile home park, provided that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.
CHAPTER 17.10 – SITE PLAN REVIEW
(Amended Nov. 21, 2011 HRC Ord. #306 – IAMP)

SECTIONS:
17.10.010 Applicability
17.10.020 Application Procedure
17.10.030 Submittal Requirements
17.10.040 Decision Criteria
17.10.050 Multi-Family and Group Residential Decision Criteria
17.10.060 Effect of approved site plan review permits
17.10.070 Expiration and extension
17.10.080 Appeal

CHAPTER 17.10 - SITE PLAN REVIEW

17.10.010 APPLICABILITY
A. A site plan review permit shall be required for the following circumstances:
   1. New construction.
   2. Expansion, remodel, or exterior alteration of any building or other structure.
   3. Change of use.
   4. Multi-family and group residential.

B. Exemptions from Site Plan Review are as follows;
   1. Any activity, which does not require a building permit and is not considered by the director to be a change in use.
   2. Any activity on the exterior of a building which does not exceed ten percent of the structure’s total cost or fair market value or $75,000, whichever is less, as determined by the building official.
   3. Interior work which does not alter the exterior of the structure or effect parking standards by increasing floor area.
   4. Normal building maintenance including the repair or maintenance of structural members.
   5. All residential development, except multi-family and group residential, as provided above.

17.10.020 APPLICATION PROCEDURE
The Planning Director shall review all site plan review applications. However, if the director
determines that an application is unusually complicated or contentious due to site constraints or due to the complexity of the project, the director may request the planning commission to review the application.

The county shall process a site plan review application in accordance with the following procedures:

A. Pre-application conference with county staff.

1. To assist in permit processing, an applicant for a site plan review permit shall meet with the county staff at a required pre-application conference.

B. An applicant may submit an application for a site plan review permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in Submittal Requirements of this chapter listed below.

C. Application Review.

1. A site plan review application for minor projects may be reviewed by county staff, as determined by the director. The final decision on an application is made by the director.

   a. Upon receipt of a complete application, the director may determine, based on the complexity of the proposal, that it is appropriate for county staff to review the application and make a recommendation to the director.

   b. The director will make the final decision based on the following:
      i. The recommendation of the county staff,
      ii. Consideration of any public comments received; and
      iii. The decision criteria in this chapter.

2. A site plan review application requiring planning commission review and decision shall be reviewed by county staff prior to the final decision by the Planning Commission. The director shall forward a completed application to county staff.

   County staff shall consider the application and make recommendation to the director.

   The director shall review the staff recommendation and determine the major issues and specific aspects of the project, which the planning commission should review.

   The planning commission shall review the application in relationship to staff recommendations. The planning commission shall consider the application at a public meeting.

   The Planning Commission will make the final decision based on the following:
i. The recommendation of county staff;
ii. Consideration of any public comments received;
iii. The decision criteria in this chapter.

17.10.030 SUBMITTAL REQUIREMENTS

A. The site plan shall be drawn to scale and indicate the following:
   1. Dimensions and orientation of the parcel;
   2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required;
   3. Location and layout of parking and loading facilities;
   4. Location of points of entry and exit for pedestrians, motor vehicles and internal circulation patterns;
   5. Location of existing and proposed walls and fences and indication of their height and materials;
   6. Proposed location and type of exterior lighting;
   7. Proposed location and size of exterior signs;
   8. Site specific landscape plan including percentage of total net area;
   9. Location and species of trees greater than six inches in diameter when measured four feet above the ground and an indication of which trees are to be removed;
   10. Contours mapped at 2-foot intervals. (5 foot contours may be allowed on steep slopes);
   11. Natural drainage;
   12. Other significant natural features;
   13. Legal description of the lot;
   14. Percentage of the lot covered by any and all proposed and remaining structures to include asphalt concrete and Portland Cement Concrete;
   15. Locations and dimensions of all easements and nature of the easements;
   16. Service areas for uses such as loading and delivery;
   17. Grading and drainage plan;
   18. Other site elements which will assist in the evaluation of site development; and;
19. A statement of operations shall accompany the site plan. A brief narrative on the nature of the activity, including:
   a. Number of employees;
   b. Method of import and export;
   c. Hours of operation including peak times; and
   d. Plans for future expansion.

**17.10.040 DECISION CRITERIA:**

1. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development; the use of small streams in the landscaping design, rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include; pollution, soil contamination, siltation, and habitat degradation or loss.

2. **Air Quality:** The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.

3. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

4. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) storm water facilities will require a permit from ODOT District 2C. On-site detention or treatment of storm water may be required by ODOT.

5. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, and service) and to the potential types of traffic (i.e., vehicles, pedestrians, and bicycles).

   a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
b. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.

c. The desired level of service on streets and intersections serving the proposed use is level D or better, as established in Highway Capacity Manual of the Highway Research Board.

d. Whenever the level of service is determined to be worse than level D (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service D or better.

e. If the County Engineer determines that it is unreasonable to require level D or better, a level of service worse than D may be allowed.

f. If the County Engineer determines that the traffic generated by the proposed use will have an insignificant impact on the level of service, the developer may be exempted from some or all of the required improvements.

g. Traffic Impact Analysis – Pursuant to Section 17.20.060, the applicant may be required to provide a Traffic Impact Analysis or a Transportation Assessment Letter prepared by an Oregon licensed traffic engineer.

6. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

7. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the noise ordinance.

8. **Compatibility:** The height, bulk and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.

9. **Design:** Variety of detail, form and siting should be used to provide visual interest. Buildings shall utilize at least three of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms or other architectural elements. A single uninterrupted length of facade shall not exceed 100 feet.

10. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.
11. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.10.050 **MULTI-FAMILY AND GROUP RESIDENTIAL DECISION CRITERIA:**

1. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development; the use of small streams in the landscaping design, rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses.

2. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

3. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) storm water facilities will require a permit from ODOT District 2C. On-site detention or treatment of storm water may be required by ODOT.

4. **Traffic:** The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, and service) and to the potential types of traffic (i.e., vehicles, pedestrians, and bicycles).

   a. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.

   b. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.

   c. The desired level of service on streets and intersections serving the proposed use is level D or better, as established in Highway Capacity Manual of the Highway Research Board.
d. Whenever the level of service is determined to be worse than level D (with or without the anticipated traffic of the proposed use), development is not permitted unless the developer makes the improvements necessary to obtain level of service D or better.

e. If the County Engineer determines that it is unreasonable to require level D or better, a level of service worse than D may be allowed.

f. If the County Engineer determines that the traffic generated by the proposed use will have an insignificant impact on the level of service, the developer may be exempted from some or all of the required improvements.

g. Traffic Impact Analysis – Pursuant to Section 17.20.060, the applicant may be required to provide a Traffic Impact Analysis or a Transportation Assessment Letter prepared by an Oregon licensed traffic engineer.

5. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

6. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and provide a sound buffer that meets the minimum requirements of the noise ordinance.

7. **Design:** Variety of detail, form and siting should be used to provide visual interest. Buildings shall utilize at least three of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms or other architectural elements. A single uninterrupted length of facade shall not exceed 100 feet.

8. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

9. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.10.060 **EFFECT OF APPROVED SITE PLAN REVIEW PERMIT**
No building or development of any sort shall occur to the approved site plan review permit except as follows:

A. Minor adjustments to an approved site plan review permit may be made after review and approval by the director. Minor adjustments are those that entail minor changes in dimensions or siting of structures, location of public amenities, but do not entail changes to the intensity or character of the use.

B. Major adjustments to an approved site plan review permit require a new or amended application, as determined by the director. Major adjustments are those that change the basic design, intensity, density, use and the like.
17.10.070 EXPIRATION AND EXTENSION
   A. The site plan review permit is valid for a period of two years from the written notice of the final decision, or the decision on an appeal, whichever is later.

   B. A single one-year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstance or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than 30 days prior to the expiration of the permit.

17.10.080 APPEAL
Final decisions on Site Plan Review may be appealed.
CHAPTER 17.11 - LANDSCAPING AND DEVELOPMENT STANDARDS

17.11.010 SCOPE
A. Landscaping standards apply to all new multifamily, commercial, industrial uses, change of use, parking lots of 4 spaces or more, public facilities and conditional uses.

B. For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by 25%, then 25% of the site must be brought up to the standards required by this ordinance.

17.11.020 PROCEDURE
A. A landscaping plan shall be submitted to the planning director at the time of application. The planning director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.

B. A building permit, conditional use permit, or site plan review shall not be issued until a landscaping plan has been approved by the planning director.

C. The required landscaping shall be in place prior to issuance of a certificate of occupancy.

D. A property owner shall be responsible for the establishment and maintenance of landscaping. All required landscaped areas shall be maintained according to the approved landscaping plan.

17.11.30 CONTENTS OF LANDSCAPING PLAN
A landscaping plan submitted to the planning director as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plant materials will:

A. Survive in the climate and soils of the proposed site;

B. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening and shade within a reasonable time.

17.11.040 GENERAL LANDSCAPING STANDARDS
The following landscaping standards shall apply:

A. The property owner shall be responsible for any future damage to a street, curb or sidewalk caused by landscaping.

B. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
C. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.

D. Plants that minimize upkeep and maintenance shall be selected.

E. Plants shall complement or supplement surrounding natural vegetation and fit the climate.

F. Plants chosen shall be in scale with building development.

G. Minimum landscaping as a percent of gross site area shall be as follows:

<table>
<thead>
<tr>
<th>ZONE/USE</th>
<th>PERCENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>15%</td>
</tr>
<tr>
<td>Conditional Uses:</td>
<td>15%</td>
</tr>
<tr>
<td>if a CUP in a residential zone</td>
<td>20%</td>
</tr>
<tr>
<td>Industrial</td>
<td>10%</td>
</tr>
<tr>
<td>Multifamily</td>
<td>20%</td>
</tr>
<tr>
<td>Parking lots</td>
<td>Requirement of base zone</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>15%</td>
</tr>
</tbody>
</table>

H. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of 1-1/2 inches and be adequately staked for planting.

I. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.

J. Shrubs shall be a minimum 18 inches in height and spaced not more than four (4) feet apart for planting.

K. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum 18 inches on center between plants and rows.

L. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

M. Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
N. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location should be positioned closer than 10 feet to any existing street tree, and preferably, such locations will be at least 20 feet distant.

O. Trees shall not be planted closer than 2-1/2 feet from the face of the curb except at intersections, where it should be 5 feet from the curb in a curb return area.

P. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.

Q. Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 4 feet by 4 feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.

R. Trees, as they grow, shall be pruned to their natural form to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.

S. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the County Engineer.

T. Vision clearance hazards shall be avoided.

U. County or State right-of-way(s) cannot be used to satisfy the required landscaping requirement.

17.11.050 LANDSCAPING AND DEVELOPMENT STANDARDS FOR ENTRANCES INTO THE CITY OF HOOD RIVER
The following standards will be required for new commercial, multi-family, industrial uses, including change of use, and parking lots of 4 spaces or more on properties within the designated entrances to the City of Hood River.

A. For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expansion, e.g., if building or parking lot area is to expand by 25%, then 25% of the site must be brought up to the standards required by this ordinance.

1. **Entrances.**
   a. **West:** Parcels fronting along Highway 30 between and including the intersection of 13th Street and Highway 30 to the intersection of Country Club Road and Highway 30.
b. South: Parcels fronting 12th Street from the northern intersection of Brookside Drive/Eliot Road and 12th Street to the southern intersection of Belmont Drive and 12th Street.

c. East: Parcels including the northern intersection of the Old Columbia River Highway and Highway 35 to and including the intersection of Front Street and State Avenue, excluding lands within the Urban Renewal District which have been addressed in this streetscape plan.

d. North: Parcels including the intersection of Oak Avenue and Second Street and along the 2nd Street extension to and including its intersection with Portway Avenue excluding lands within the Urban Renewal District which have been addressed in its streetscape plan.

2. Standards.
   a. A average ten (10) foot wide landscaped area, at minimum, shall be planted along the perimeter of the parcel fronting the street right-of-way as part of the landscape requirement.

   b. Street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Trees shall be evenly spaced, with variations to the spacing permitted for specific site limitations, such as driveway approaches.
CHAPTER 17.12 - VARIANCES

SECTIONS:
  17.12.010 Purpose
  17.12.030 Criteria for Granting a Variance
  17.12.040 Time Limits

17.12.010 PURPOSE
Where physical difficulties, unnecessary hardship, and results inconsistent with the general purpose of this Article may result from the strict applications of certain provisions thereof, a variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Article for the zone in which the land is located. In granting a variance, the County may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the County as a whole. A request for a variance shall be submitted in accordance with Article 60 – Administrative Procedures of the County Zoning Ordinance.

17.12.030 CRITERIA FOR GRANTING A VARIANCE
The application shall include a statement and evidence showing that all of the following criteria are met.

A variance may be granted if it meets all of the following criteria:
   A. There are unique or unusual circumstances, which apply to the site, which do not typically apply elsewhere.

   B. The proposal’s benefits will be greater than any negative impacts on the development of the adjacent lawful uses; and will further the purpose and intent of this article and the Comprehensive Plan of the County.

   C. The circumstances or conditions have not been willfully or purposely self-imposed.

   D. The variance requested is the minimum variance, which would alleviate the hardship.

17.12.040 TIME LIMITS
A single one-year extension may be granted by the planning director prior to the expiration date if the applicant can demonstrate that circumstance or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than 30 days prior to the expiration of the permit.
CHAPTER 17.13 - TOWNHOUSES

17.13.010 Applicable Zones
17.13.020 Criteria

17.13.010 APPLICABLE ZONES
Townhouses are permitted in the following zones:
   R-2
   R-3
   C-1
   C-2

17.13.020 CRITERIA
An application for a townhouse project shall meet the following criteria:

A. Each townhouse in the townhouse project shall have a minimum width of sixteen (16) feet.

B. Each townhouse building shall contain no more than two townhouses in the R-2 Zone; no more than four townhouses in the R-3, C-1, and C-2 Zones.

C. The townhouse project shall have a lot size of not less than 2,100 square feet per townhouse.

D. The site development standards for the proposed zone, setback requirements, building height restrictions and parking regulations shall be applied to the townhouse building(s) with the exception of minimum lot frontage.

E. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the County Engineer and recorded with the plat.

F. Common access drives must be at least sixteen (16) feet wide with a minimum of 12 feet of paved area with 1-foot minimum shoulders on either side.

G. No parking in common access drives. Parking in designated parking areas only.

H. At the intersection of the easement and public dedicated street, there shall be no visual obstruction, see vision clearance standards.

I. Each unit shall provide a minimum average size of 6 feet by 12 feet of private outside open area (patio/deck/lawn).

J. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria or the tax lots/parcels shall be legally combined to create a minimum 5000 square foot parcel or to the size of the parcel prior to the townhouse project.
K. Land survey requirements shall include a pre-construction outer boundary location so that setbacks can be measured, and a post construction pre-occupancy survey and platting so that private and common ownership can be identified and documented.

The side yard setback for the common wall on a townhouse
CHAPTER 17.14 - SIGN REGULATIONS (Adopted 11-18-02, Ord. #244)

SECTIONS:

17.14.020 Purpose and Scope
17.14.030 Permits Required
17.14.040 Measurement
17.14.050 Maintenance
17.14.060 Inspections
17.14.070 Abatement of Abandoned Signs
17.14.080 Sign Sizes
17.14.090 Exemptions
17.14.100 Prohibited Signs
17.14.110 Non-conforming Existing Signs
17.14.120 Variance
17.14.130 Penalties
17.14.140 Severability

17.14.020 PURPOSE AND SCOPE
1. This ordinance provides reasonable and necessary regulations for the erection and maintenance of signs in order to:

   A. Maintain a balance between the need to identify buildings and activities and the negative impact on community image created by visual clutter;

   B. Protect the public health and safety;

   C. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the County; and

   D. Prevent the interference of signage regulated herein with official traffic signs or signals.

2. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

3. It is not the purpose of this ordinance to regulate signs, which are regulated exclusively by federal or state law. In any case, in which federal or state law preempts this ordinance, federal or state law shall apply.

A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a building permit for the same has been issued by the County for those signs stipulated in the Uniform Building Code that require Building Official approval. In addition,
electrical permits shall be obtained for electric signs. All signs are subject to review by the Hood River County Building and Planning Departments.

17.14.30 PERMITS REQUIRED
A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a building permit for the same has been issued by the County for those signs stipulated in the Uniform Building Code that require Building Official approval. In addition, electrical permits shall be obtained for electric signs. All signs are subject to review by the Hood River County Building and Planning Departments.

17.14.040 MEASUREMENT
The following criteria shall be used in measuring a sign and sign placement to determine compliance with this ordinance:

A. AREA OF FACE: "False fronts" and mansard roofs will be excluded when calculating the area of the primary face.

B. HEIGHT: The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.

C. LEGAL SETBACK LINE: A setback line established by ordinance beyond which a sign may not be built. A legal setback line may be a property, vision clearance, or vehicle clearance line.

D. ROOF LINE: The ridge on a gable, peaked roof or the parapet or fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.

E. SIGN AREA: The area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.

F. VISION CLEARANCE: Vision clearance is a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

17.14.050 MAINTENANCE
All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a safe condition. The display surfaces of all signs shall be kept neatly painted or posted at all times.
17.14.060 INSPECTIONS
All signs for which a permit is required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings including post type signs. All signs containing electrical wiring shall be subject to the provisions of the applicable electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this section after notice to the owner of record of the premises in which the sign is located. All signs may be re-inspected at the discretion of the Building Official.

17.14.070 ABATEMENT OF ABANDONED SIGNS
Abandoned signs may be abated pursuant to Hood River County Code, Ordinance 8.08, as a nuisance.

17.14.080 SIGN SIZES
A. COMMERCIAL AND INDUSTRIAL ZONES:
   1. NUMBER:
      a. The total number of signs per entity shall not exceed three (3) signs, not including free-standing or directional signs; and
      b. There shall not be more than two (2) signs on any building face.
      c. Entities, which occupy more than one (1) building shall be treated as separate entities.
   2. AREA:
      a. The total area of signs allowed on the primary face shall not exceed eight (8) percent of the building face, occupied by that entity, including windows.
      b. A sign constructed on a second building face of an entity shall not exceed four (4) percent of that building face.
      c. If an entity has three (3) building faces, the sign allowed on the second building face may be increased to eight (8) percent of that building face. If a third sign is placed on the third face, it shall not exceed four (4) percent of that building face.
      d. In no case shall the total area of all signs on any one building face exceed 200 square feet.
   3. HEIGHT: The maximum height of all freestanding signs shall be 25 feet.
   4. FREE-STANDING SIGNS:
      a. Free-standing signs shall be limited to one (1) per parcel and shall be included in the total area of allowed signs for each entity.
b. Free-standing signs shall not exceed a total 64 square feet of area and not exceed two (2) faces.

c. Parcels over 150,000 square feet (3.44 acres) in one (1) ownership shall be entitled to a free-standing sign not to exceed a total of 100 square feet.

d. Free-standing signs (all portions) shall meet the vision clearance and vehicle clearance requirements.

5. **PROJECTING SIGNS:** A projecting sign shall not exceed 32 total square feet.

6. **ROOF SIGNS:** No sign shall extend above the roof line or the top of a parapet wall, whichever is higher.

7. **AWNINGS:** Signs on awnings shall not exceed the permitted sign area.

8. **TEMPORARY SIGNS:**
   a. Temporary signs shall be limited to one (1) per parcel for up to 90 days.
   b. Temporary signs shall not exceed 32 square feet in size.

9. **SANDWICH BOARDS:**
   a. Only one (1) sandwich board on private property per entity shall be allowed.
   b. A sandwich board shall be included in the total number of signs and sign area allowed for a particular entity.

B. **RESIDENTIAL ZONES:**

1. **SUBDIVISIONS:**
   a. Permanent signs are limited to a maximum area of 16 square feet.
   b. Maximum height of a permanent sign shall be six (6) feet.
   c. Permanent signs shall be limited to one (1) at each entrance to the subdivision.

2. **MULTI-FAMILY DWELLINGS:**
   a. A permanent sign for twelve (12) or more multi-family dwelling units may have a maximum area of sixteen (16) square feet.
   b. A permanent sign for eleven (11) or fewer multi-family units may have a maximum area of twelve (12) square feet.

3. **STANDARDS:**
   a. **HEIGHT:** Six (6) feet.
b. **ILLUMINATION:** Signs may have external illumination. Reflective type bulbs shall be used for indirect illumination of the display surface, if properly shielded from direct glare onto streets and adjacent properties. Electric signs are prohibited.

4. **NON-RESIDENTIAL USES:** Hospitals, schools, churches and other institutional uses:
   a. **Size:** Maximum 24 square feet in size.
   b. **Number:** One (1) per parcel unless on a corner lot which allows a maximum of two (2) signs totaling 24 square feet in size.

5. **TEMPORARY SIGNS:**
   a. Temporary signs shall be limited to one (1) per parcel for up to 90 days.
   b. Temporary signs shall not exceed 12 square feet in size.

6. **BED AND BREAKFAST FACILITIES / HOME OCCUPATIONS:**
   a. Home Occupation – 17.04.100 - A non-illuminated sign no larger than one (1) square foot.
   b. Bed and Breakfast Facilities – 17.04.110 – One (1) non-illuminated sign not exceeding one and one-half (1 ½) square feet.

C. **OPEN SPACE/PUBLIC FACILITIES ZONE:**
   a. Two (2) signs for each site or facility shall be allowed.
   b. Each sign shall not exceed 24 square feet in size.

**17.14.090 EXEMPTIONS**
The following signs shall not require review under this ordinance:

A. **DIRECTIONAL SIGNS:** Directional signs less than six (6) feet above grade and less than twelve (12) square feet or six (6) square feet per side in compliance with the vision clearance and vehicle criteria.

B. **BANNERS:** Banners attached to the City of Hood River's classic light poles

C. **MEMORIAL TABLETS OR SIGNS:** Signs carved into a building or which are a part of materials which are an integral part of the building.

D. **TRAFFIC SIGNS:** Traffic, municipal, or directional signs for hospital or emergency services, legal notices, railroad signs, and danger signs.

**17.14.100 PROHIBITED SIGNS**
The following signs are prohibited within the Urban Growth Area for the City of Hood River:
A. **MOVING SIGNS**: Moving signs or flashing signs or any sign or structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsation or by action of normal wind currents, excepting clocks, barber poles, public service information signs and time or temperature signs.

B. **PORTABLE SIGNS**: Portable or bench signs, excluding sandwich boards located on private property.

C. **POLE AND TREE SIGNS**: Signs placed on, painted on, or affixed to any utility pole or tree.

D. **UNOFFICIAL SIGNS**: Unofficial signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal.

E. **CAR SIGNS**: A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this ordinance.

F. **FLAGS AND BANNERS**: Flags, banners, and objects designed to move with the wind which are located on a roof or project above a roof by more than 45 feet if located on a free-standing pole.

17.14.110 **NON-CONFORMING EXISTING SIGNS**

A. Non-conforming signs are those signs lawfully installed prior to the effective date of this ordinance, which do not conform to the standards of this code.

B. All nonconforming signs will be considered non-conforming, pre-existing structures and may be retained pursuant to the provisions of Article 65 (Non-Conforming Uses) of the Hood River County Zoning Ordinance.

17.14.120 **VARIANCE**

Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of Article 66 (Variances) of the Hood River County Zoning Ordinance.

17.14.130 **PENALTIES**

Failure to comply with the provisions of this article will result in the initiation of enforcement proceedings pursuant to the provisions of Article 70 (Enforcement) of the Hood River County Zoning Ordinance.

17.14.140 **SEVERABILITY**

The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.
CHAPTER 17.19 - TOWNHOUSES (Adopted July 21, 2003, HRC Ord. #249)

SECTIONS:
17.19.10 Applicable Zones
17.19.020 Criteria
17.19.030 Townhouse Process

17.19.10 APPLICABLE ZONES
Townhouses are permitted in the following zones:
- R-2
- R-3
- C-1
- C-2

17.19.20 CRITERIA
An application for a townhouse project shall meet the following criteria:

1. Each townhouse in the townhouse project shall have a minimum width of sixteen (16) feet.

2. Each townhouse building shall contain no more than two townhouses in the R-2 zone; no more than four townhouses in the R-3, C-1 and C-2 zones.

3. The townhouse project shall have a building site of not less than 2,100 square feet per townhouse for the first two townhouses and a minimum of 1,500 square feet for each additional townhouse.

4. The site development standards for the proposed zone, setback requirements, building height restrictions and parking regulations shall be applied to the townhouse building(s) with the exception of minimum lot frontage.

5. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the County Engineer and recorded with the plat.

6. Common access drives must be at least sixteen (16) feet wide with a minimum of 12 feet of paved area with 1 foot minimum shoulders on either side.

7. No parking in common access drives. Parking in designated parking areas only.

8. At the intersection of the easement and public dedicated street, there shall be no visual obstruction, see vision clearance standards.
9. Street Access Developments. With the exception of the conversion of duplexes existing on or before February 8, 2001, townhouses receiving access directly from a public or private street shall comply with all of the following standards. These standards are intended to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

a. When garages face the street, they shall either be:
   (1) Recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet; or,
   (2) Flush with the front elevation, provided there is a balcony or living area above the garage that is either flush with the front elevation or projects beyond it.

b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage frontage per unit is 50 percent of the total building frontage. For example, a unit with 24 feet of frontage onto the public street may have 12-feet of garage facing the street.

10. Each unit shall provide a minimum of 72 square feet of private outside open area (patio/deck/lawn). The minimum width or depth of the open area(s) shall be four feet.

11. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity to be formed pursuant to covenants, conditions and restrictions for the townhouse project. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be subject to review and approval by the Planning Director for compliance with this provision and shall be recorded prior to building permit approval.

12. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria, or the tax lots/parcels shall be legally combined to create a minimum 5,000 square foot parcel or to create a parcel the size of the parcel prior to the townhouse project.

13. Land survey requirements shall include a pre-construction outer boundary location so that setbacks can be measured, and a post construction pre-occupancy survey and platting so that private and common ownership can be identified and documented for recording.
14. The side yard setback for the common wall on a townhouse is reduced to zero.

17.19.030  TOWNHOUSE PROCESS
A townhouse shall be processed as a partition, pursuant to the provisions of Title 16 - Land Divisions.
CHAPTER 17.20 - TRANSPORTATION CIRCULATION AND ACCESS MANAGEMENT
(Adopted July 21, 2003, HRC Ord. #249)
(Amended Nov. 21, 2011 HRC Ord. #306 – IAMP)

SECTIONS:
17.20.010 Applicability
17.20.020 Definitions
17.20.030 Access Management Standards
17.20.040 Bicycle Parking
17.20.050 Standards for Transportation Improvements
17.20.060 Traffic Impact Analysis

17.20.010 APPLICABILITY
This chapter implements the adopted Hood River County Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-12). It also implements special planning requirements related to Oregon Department of Transportation facilities within the Hood River Urban Growth Area. The standards of this chapter are applicable to all proposed improvements to the public transportation system and to all development on the public transportation system.

17.20.020 DEFINITIONS
For the purposes of this Chapter the following definitions apply.
A. Access. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
B. Access Connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
C. Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
D. Access Management Classification System. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
E. Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
F. Bikeway. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:
(1) **Multi-use Path.** A paved 8 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

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

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

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

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

G. **Cross Access.** A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

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

I. **Joint Access (or Shared Access).** A driveway connecting two or more contiguous sites to the public street system.

J. **Nonconforming Access Features.** Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.

K. **Reasonable Access.** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the Hood River County.

L. **Right-of-Way.** Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

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

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

**17.20.030 ACCESS MANAGEMENT STANDARDS**

This section shall apply to all development on arterials and collectors within the UGA and to all properties that abut these roadways as part of 17.16 Site Plan Review process.

1. **Site Plan Review Procedures and criteria for Access Management**
   A. All site plans are required to be submitted for review pursuant to the provisions of this title and shall show:

   1. Location of existing and proposed access point(s) on both sides of the road where applicable;
   2. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
   3. Number and direction of lanes to be constructed on the driveway plus striping plans;
   4. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
   5. Parking and internal circulation plans including walkways and bikeways;
6. A detailed description of any requested variance and the reason the variance is requested.

B. All site plans shall comply with the following access criteria:
   1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
   2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
   3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
   4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
   5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.

B. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

C. Access within Interchange Area Management Plan (IAMP) Overlay Zone.

In addition to all other standards and requirements of this ordinance, parcels wholly or partially within the IAMP Overlay Zone are subject to the Access Management Plan in the applicable IAMP (Exit 62 or Exit 63/64). The following applies to land use and development applications for parcels within an adopted IAMP Overlay Zone that are subject to Chapter 16 (Land Division) or Chapter 17.10 (Site Plan Review) and that are shown as part of an “Access Management Block” subject to the recommendations of the Access Management Plan of the applicable IAMP (see Figure 9, Access Management Blocks, in the Exit 62 IAMP and Figures 10 and 11, Access Management Blocks, in the Exit 63/64 IAMP).

1. Access Approval.
   a. Access to streets and roads within the IAMP Overlay Zone shall be subject to joint review by the City of Hood River and the Oregon Department of Transportation (ODOT) and, where applicable by Hood River County. This coordinated review will be consistent with requirements of Section 17.03.090 and Chapter 16 (Land Division, General Design and Improvement Standards), when applicable.

   b. Approval of an access permit is an Administrative Action and is based on the standards contained in this Chapter, the provisions of Section 17.20.030(2) and (3) (Access Standards), and the Access Management Plan in the applicable IAMP. Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in
Section 17.20.030 of the Zoning Ordinance, the applicable IAMP Access Management Plan shall govern.

2. Cross Access Agreement.
   a. Prior to approving access for lots that are identified in the Access Management Plan of the applicable IAMP, the County shall require that:
      i. The applicant demonstrate how cross access can be accomplished for sites contiguous to the subject property or properties, consistent with the circulation and planned local street network shown in the IAMP;
      ii. If access across an adjacent parcel or parcels is necessary for the development of the subject site, a signed cross access agreement is submitted with the application; and,
      iii. For applications reviewed as part of a subdivision approval process, necessary cross access easements are shown and recorded on the final plat. Access widths shall be consistent with applicable Public Works standards unless based on a Transportation Impact Study, developed pursuant to Section 17.20.060(C)(2) and approved by the County Engineer or his/her designee.
      iv. If a cross access agreement cannot be acquired from the owner(s) of sites contiguous to the subject property or properties, the applicant must demonstrate that access from the neighboring property will not be granted prior to consideration of an alternative to a cross access agreement.

3. Frontage Improvements to Public Streets. Development application approval will require public street frontage improvements pursuant to the Access Management Plan in the applicable IAMP and County requirements for constructing public improvements, including those in the Land Division Ordinance Section 16.12.060, Public Facilities Standards.

ACCESS STANDARDS

2. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures of Hood River Municipal Code Chapter 13.28.

3. Joint and Cross Access
   A. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

   B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
      1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
2. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

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

D. Pursuant to this section, property owners shall:
   1. Record an easement allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
   2. Record an agreement that remaining access rights along the roadway will be dedicated to the County and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
   3. Record a joint maintenance agreement defining maintenance responsibilities of property owners.

E. The County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
   1. Joint access driveways and cross access easements are provided in accordance with this section.
   2. The site plan incorporates a unified access and circulation system in accordance with this section.
   3. The property owner enters into a written agreement with the County, which shall be recorded with respect to the subject property, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
   4. The County Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

4. **Driveway Design**. Driveways shall be designed pursuant to the requirements of the Hood River Municipal Code Chapter 13.28.

5. **Requirements for Phased Development Plans**
   A. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.
B. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

6. **Nonconforming Access Features.** Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of the Hood River Municipal Code Chapter 13.28.

7. **Reverse Frontage.** Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

**17.20.040 BICYCLE PARKING**
For all uses subject to Site Plan Review, a minimum of 2 bicycle parking spaces per use shall be required. In addition, the following Special Minimum Standards shall be considered as supplemental requirements for the number of required bicycle parking spaces.

1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.

2. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

3. **Schools.** Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 20 students and employees. High schools shall provide one bicycle parking space for every 20 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

4. **Calculating the Number of Required Bicycle Parking Spaces.**
   1. Fractional numbers of spaces shall be rounded up to the next whole space.

For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.

**17.20.050 STANDARDS FOR TRANSPORTATION IMPROVEMENTS**

1. **Permitted Uses not subject to site plan review.** Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
   A. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
B. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
C. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
D. Landscaping as part of a transportation facility.
E. Emergency measures necessary for the safety and protection of property
F. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
G. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

2. **Uses Subject to Site Plan Review**

A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.

An application for the above improvements is subject to review under Section 17.10 (Site Plan Review), however the decision criteria does not apply. In order to be approved the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

B. Street and interchange improvements, including parking removal, access modifications in Access Management Blocks, new lanes, new streets, and signalization modifications. The site plan review shall include findings and solutions addressing the effect of traffic beyond the immediate vicinity of the proposal and how safety, mobility, the pedestrian system, the bike system, parking and economic enterprise will be protected and/or enhanced by the proposal. The following facility(ies) shall be considered in the study area for all traffic analysis unless modified by the County Engineer:

1. All access points and signalized and un-signalized intersections adjacent to the proposed site, and if the proposed site fronts an arterial or collector street the analysis shall address all intersections and driveways along the site frontage.
2. All intersections that receive site generated trips that comprise at least 10% or more of the total intersection volume.
3. All intersections needed for signal progression analysis.
4. In addition to these requirements, the County Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

17.20.060 Traffic Impact Analysis

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis (TIA) must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a TIA; and who is qualified to prepare the analysis.

B. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily and peak hour (weekday and/or weekend) vehicle trips, unless a specific trip generation study that is approved by the County Engineer indicates an alternative trip generation rate is appropriate. A trip generation study may be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.

C. Applicability and Consultation. A Traffic Impact Analysis shall be required to be submitted to the County with a land use application when (1) a change in zoning or plan amendment is proposed or (2) a proposed development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis, field measurements, crash history, Institute of Transportation Engineers Trip Generation; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
   1. The proposed action is estimated to generate 250 Average Daily Trips (ADT) or more, or 25 or more weekday AM or PM peak hour trips (or as required by the County Engineer);
   2. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day
   3. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
   4. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
   5. A change in internal traffic patterns that may cause safety problems, such as back up onto public streets or traffic crashes in the approach area.
The applicant shall consult with the County Engineer or his/her designee at the time of a pre-application conference about whether a TIA is required and, if required, the details of what must be included in the TIA.

D. Traffic Assessment Letter. If a TIA is not required as determined by Section 17.20.060.C, the applicant shall submit a Transportation Assessment Letter (TAL) to the County indicating that TIA requirements do not apply to the proposed action. This letter shall present the trip generation estimates and distribution assumptions for the proposed action and verify that driveways and roadways accessing the site meet the sight distance, spacing, and roadway design standards of the agency with jurisdiction of those roadways. Other information or analysis may be required as determined by the County Engineer. The TAL shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis.

The requirement for a TAL may be waived if the County Engineer determines that the proposed action will not have a significant impact on existing traffic conditions.

   1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis and will be paid for by the applicant.
   2. Transportation Planning Rule Compliance. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan consistent with Section 660-012-0060 of the State Transportation Planning Rule.
   3. Pre-application Conference. The applicant will meet with the County Engineer prior to submitting an application that requires a Traffic Impact Analysis. The County has the discretion to determine the required elements of the TIA and the level of analysis expected.

F. Study Area. The following facilities shall be included in the study area for all Traffic Impact Analyses (unless modified by the County Engineer):
   1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
   2. Roads through and adjacent to the site.
   3. All intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume.
   4. All intersections needed for signal progression analysis.
   5. In addition to these requirements, the County Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.
   6. Those identified in the IAMP Overlay Zone (see Subsection I).
G. When a Traffic Impact Analysis (TIA) is required, the TIA shall address the following minimum requirements:
1. The TIA was prepared by an Oregon Registered Professional Engineer; and
2. If the proposed development shall cause one or more of the effects in Section 17.20.060(C), above, or other traffic hazard or negative impact to a transportation facility, the TIA shall include mitigation measures that are attributable and are proportional to those impacts, meet the County’s adopted Level-of-Service standards, and are satisfactory to the County Engineer and ODOT, when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
   a. Minimize the negative impacts on all applicable transportation facilities; and
   b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
   c. Make the most efficient use of land and public facilities as practicable; and
   d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
   e. Otherwise comply with applicable requirements of the Urban Growth Area Zoning Ordinance (Article 17).
4. If the proposed development will increase through traffic volumes on a residential local street by 20 or more vehicles during the weekday p.m. peak hour or 200 or more vehicles per day, the impacts on neighborhood livability shall be assessed and mitigation for negative impacts shall be identified. A negative impact to neighborhood livability will occur where:
   a. residential local street volumes increase above 1,200 average daily trips; or
   b. the existing 85th percentile speed on residential local streets exceed 28 miles per hour.

H. Conditions of Approval. The County may deny, approve, or approve a development proposal with appropriate conditions needed to meet transportation operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Factors that should be evaluated as part of land division and site development reviews, and which may result in conditions of approval, include:
1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.
2. Access for new developments that have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
3. Right-of-way dedications for planned roadway improvements.
4. Street improvements along site frontages that do not have improvements to current standards in place at the time of development.
5. Construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts, i.e. construction or modification of turns lanes or traffic signals.

I. Traffic analysis within an IAMP Overlay Zone. All development applications located within an IAMP Overlay Zone that are subject to the provisions of Chapter 17.10 Site Plan Review or Chapter 16 Land Division may be required to prepare a Traffic Impact Analysis. Hood
River County Transportation System Plan policies call for the County, in coordination with the City Hood River and ODOT, to monitor and evaluate vehicle trip generation impacts at Hood River interchanges and on street systems in interchange areas from development. This requirement will not preclude Oregon Department of Transportation, City of Hood River, or Hood River County from requiring analysis of IAMP study intersections under other conditions. Development approved under this article shall be subject to the following additional requirements.

1. The Traffic Impact Analysis must include an account of weekday p.m. peak hour site generated trips through IAMP study intersections. Intersections impacted by 25 or more weekday p.m. peak hour site generated trips, or weekend peak hour site generated trips, shall be analyzed for level of service and volume to capacity ratio during day of opening conditions.

2. The County shall provide written notification to ODOT and the City of Hood River when an application concerning property in the IAMP Overlay Zone and subject to Site Plan Review or Title 16 is received. This notice shall include an invitation to ODOT and the City to participate in the County’s pre-application conference with the applicant.

3. The County shall not deem the land use application complete unless it includes a Traffic Impact Analysis prepared in accordance with the applicable requirements of Section 17.20.060.

4. ODOT and the City of Hood River shall have 14 calendar days from the date a completion notice is mailed to provide written comments to the County. If ODOT does not provide written comments during this 14-day period, the County staff report may be issued without consideration of ODOT comments.

5. Monitoring Responsibilities. The details of monitoring responsibilities will be outlined in the adopted IAMP.
DEFINITIONS (Sec. 18.04, Article 18)
(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

- A -

ABUT OR ABUTTING - Means contiguous with.

ACCEPTED FARM PRACTICE - 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.

ACCESS OR ACCESS WAY - The place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this chapter.

ACCESSORY BUILDING OR USE - A building or use which: (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principles use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory uses are private garages, storage sheds, carports, or patio covers.

ADVISORY REVIEW COMMITTEE - The Director of Public Works, the Planning Director and the County Sanitarian or their authorized representatives. The Planning Director shall act as Chairman and Secretary.

ALLEY - A public or approved private way at the side or rear of property permanently reserved as a means of secondary vehicular access to abutting property.

AREA - A piece of land capable of being described with such certainty that its location may be established and boundaries definitely ascertained.

AREA - LOT OR PARCEL - The total net area within the property lines of a lot or parcel, including that area within any right-of-way, as described in a recorded deed.

- B -

BOARD OF COMMISSIONERS - "Board" means the Board of County Commissioners of Hood River County.

- C -

COUNTY CLERK - The Director of Records and Assessments of Hood River County.

COMMERCIAL - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term “industry” as defined in this section) of any article, substance or commodity for livelihood or profit including shops for the sale of personal services (including professional services), and places where commodities or services are sold or are offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMISSIONERS - The Hood River County Board of Commissioners.

COMMISSION, PLANNING COMMISSION, OR COMMISSION - The Planning Commission of Hood River County.
COUNTY - The County of Hood River.

CUL DE SAC - A type of dead end street, designed for limited use which cannot practically be extended with a suitable turn-around radius at the end.

- D -

DIRECTOR OF PLANNING - Refers to the Director of Planning of the County of Hood River and includes "Planning Director" or "Planner - Zoning Administrator".

- E -

EASEMENT - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

- F -

FARM USE - As used in this ordinance "farm use" means the current employment of land, including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof "farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

FLOODPLAIN - The 100-year floodplain of a river, stream or lake.

- G -

GOVERNING BODY - The Hood River County Board of Commissioners.

- I -

INDUSTRY - The manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof.

- L -

LEGAL DESCRIPTION - The method by which the outer boundaries of a building site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to establish points, monument, etc.

1LOT - A single unit of land that is created by a subdivision of land.

LOT, BUTT - A lot, the lot side lines of which abuts the lot rear line of two or more adjoining lots.

LOT, CORNER - A lot at the junction of two or more intersecting streets with a boundary line thereof abutting on each of the streets.

LOT, CUL DE SAC - A trapezoidal or wedge shaped lot wherein the minimum lot width shall be measured at the setback line.
LOT, DEPTH - The average horizontal distance between the front and rear lot line measured in the mean direction of the side lines of the lot.

LOT, EXTERIOR - A lot which is a corner lot.

LOT, FLAGPOLE - A building site with access to a street by means of a corridor or access way which is not less than as required by this ordinance.

LOT, INTERIOR - A lot which is not a corner lot.

LOT LINE, FRONT - On an interior lot, the “front lot line” means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the “front lot line” is the property line closest to and most nearly parallel with the street which serves the lot.

LOT OF RECORD - A lot, the legal description for which is recorded in the Department of Records and Assessments of Hood River County.

LOT THROUGH - A lot having frontage on two parallel or approximately parallel streets. The Commission shall determine which frontage shall be considered as the lot front for the purpose of compliance with yard and setback provisions of this ordinance.

LOT WIDTH - The average horizontal distance measured between the side lines of the lot.

- O -

1ORIGINAL LOT OR PARCEL - The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

- P -

1PARCEL - A single unit of land that is created: (a) by partitioning, as defined in ORS 92.010; (b) in compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or (c) by deed or land sales contract, if recorded prior to January 1, 1976.

PARTITION - Means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION, MAJOR - Means a partition that includes the creation of a road or Street.

PARTITION, MINOR - Means a partition that is subject to approval by the County under this ordinance and that does not include the creation of a road or street.

PARTITION, LAND - Means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include division of land resulting from the creation of cemetery lots, and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance.

1 Amended on July 15, 2002, HRC Ord. 241
PERSON - An individual, firm, co-ownership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the Federal or State Government, City, County, special district, or any other group or combination acting as an entity.

PLANNING DIRECTOR'S REVIEW PROCEDURE - Refers to provisions in Article 72 – Planning Director's Review Procedure, Hood River County Zoning Ordinance.

PLAT - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition, as defined in ORS 92.010.

PUBLIC UTILITY - Any company or firm under the jurisdiction of the Oregon State Public Utility Commissioner or County District under jurisdiction by a Board of Trustees.

- R -

RIGHT-OF-WAY - (1.) The exterior boundary of a street, public or private easement, or similar corridor of land where street and utility improvements, such as the improved road surface, sidewalks, planter strips, drainage ditches, and utility lines are located. When measuring setbacks, the edge of the right-of-way should be used, unless the setback is measured from centerline of the street. (2.) Is also defined as: Land that is owned in fee simple by the public, usually for transportation facilities.

ROAD OR STREET - A public or private way for travel by vehicles, bicycles and pedestrians, that meets County standards or descriptions in the County Transportation System Plan, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

- S -

STATEMENT OF WATER RIGHTS - Chapter 92, Oregon Revised Statutes requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, water control district, or district improvement company to file and record a statement of water rights. If a water right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.

STREAM - Any perennial natural water course.

STREET - The principal means of access to abutting property as defined herein. "Streets" also include parkways, alleys and roads.

STREET, ROAD OR WAY - PRIVATE - Any area used for vehicular access and restricted from and/or not dedicated to the general public use or as further defined by any standards adopted by the Board of County Commissioners.

STREET, ROAD OR WAY - PUBLIC - Any street, road or way dedicated to the public, or the County, for and available to public use.

STREET, CENTERLINE - The centerline of the street as determined by official surveys or precise or specific plan of a highway alignment.

STREET, LOCAL - Any street dedicated, deeded or condemned as such serving as a principal means of access to abutting property, which street may be shown on or included in the circulation element adopted by and as amended by the County. Local streets typically include public streets or roads that serve local
or neighborhood traffic and are not classified as arterials or collectors in the County’s Transportation System Plan.

STREET, COMPREHENSIVE OR SPECIFIC PLAN - Any street or highway shown on the circulation element or adopted by and as amended by the County, including the Street Classification Map of the County’s Transportation System Plan.

STREET, SIDE - The street bounding a corner lot and which extends in the same general direction as the lot line determining the depth.

STREET, ARTERIAL - A street used primarily for through traffic and identified as an arterial on the Functional Classification Map of the County’s Transportation System Plan.

STREET, COLLECTOR - A street that connects two arterials or connects several local streets to an arterial and that is identified as a collector street on the Functional Classification Map of the County’s Transportation System Plan. Collector streets typically serve a mix of local and through traffic.

SUBDIVIDE LAND - Means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION - Means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.
DESIGN STANDARDS
(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

Section 18.32 – Streets
A. The alignment of street centerlines shall be continuations of centerlines of existing streets.

B. Any two streets intersecting on a given street shall have a continuous centerline or be separated by one hundred and fifty feet minimum. Block corners shall be rounded by a radius of twenty feet. The angle of intersection shall be between 60° and 90°. Intersecting streets shall have at least fifty feet of tangent adjacent to the intersection.

C. The following factors will be considered by the Planning Commission or Director in granting approval for streets:
   1. The relationship of the streets to existing and planned streets.
   2. Topographical conditions.
   3. Public convenience and safety and to the use of the land to be served by the street.

D. Streets and roads dedicated to the public or intended to be accepted into the County maintained road system shall meet the minimum standards as established by the Board of Commissioners; however, this does not guarantee acceptance into the County-maintained road system. Criteria for acceptance of a public road into the County-maintained road system are included in an addendum to the County Road Standards Document.

E. Road maintenance agreements are required for new private streets, and for new public streets, unless the public street has been accepted into the County road maintenance system.

F. Within the Urban Growth Area of Hood River, transportation standards of the City of Hood River shall apply as described in the City of Hood River’s Transportation System Plan.

G. Within the Urban Growth Area of Cascade Locks, transportation standards of the City of Cascade Locks shall apply as described in the City of Cascade Locks’ Transportation System Plan.

H. Within designated unincorporated communities outside the Urban Growth Areas of Hood River and Cascade Locks, urban local street standards shall apply to roads in all “urban density developments,” defined as new residential subdivisions and partitions that present both the potential to serve more than 10 parcels/lots (via build-out or street connectivity) and have an average potential lot size of 10,000 square feet or less. Within these areas, the following additional standards also shall be met:
   1. The maximum block size shall be 600 ft. in length with a 1,600 ft. perimeter.
   2. All residential developments shall provide a continuous pedestrian and/or multi-use pathway system that extends throughout the development and connects to all future phases of development as well as all adjacent trails, public parks, and open space whenever possible.
   3. Road right-of-way shall not be considered part of a parcel’s area.
4. Urban local streets shall be constructed to meet one of the four design standards identified in the following table and pursuant to subsection H.5 of this ordinance section. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

<table>
<thead>
<tr>
<th>Classification</th>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Bike lanes</th>
<th>Parking strip</th>
<th>Planting strip</th>
<th>Sidewalk easement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Local Residential Option &quot;A&quot;</td>
<td>60'</td>
<td>34'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>Both sides</td>
<td>Two 6'</td>
<td>One or two 0-10'</td>
</tr>
<tr>
<td>Urban Local Residential Option &quot;B&quot;</td>
<td>50'</td>
<td>28'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>One or both sides</td>
<td>Two 6'</td>
<td>One or two 0-10'</td>
</tr>
<tr>
<td>Urban Local Residential Option &quot;C&quot;</td>
<td>50'</td>
<td>24'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>One side</td>
<td>Two 6'</td>
<td>One or two 0-10'</td>
</tr>
<tr>
<td>Urban Local Residential Option &quot;D&quot;</td>
<td>50'</td>
<td>20'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>Two 6'</td>
<td>None</td>
</tr>
</tbody>
</table>

*Access control required per design guidelines.

5. The narrower local street options (Options B through D) shall be allowed only if all of the following conditions (a through d below) and those in subsection I are met:

a. On-street parking is restricted within 20 feet of each intersection; additional restrictions up to 50 feet may be applied by the County Engineer, as needed. In order to maintain adequate vehicle passage, parking restrictions shall be enforced in all places where parking is restricted. The developer is responsible for providing striping of curbs and signage to indicate parking restrictions.

b. Adequate off-street parking shall be provided to serve the needs of residents and visitors when there is no on-street parking or on-street parking is limited to one side of the street by providing visitor parking areas, or larger lots to allow for four off-street parking spaces per lot.

c. Planting strips, or other areas, shall provide adequate space for snow removal.

d. Driveway access spacing follows the guidelines set forth in Figures 18-1 through 18-3 below:
<table>
<thead>
<tr>
<th>Figure 18-1</th>
<th>Figure 18-2</th>
<th>Figure 18-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queuing guidelines, parking allowed both sides, Local Street Option B</td>
<td>Queuing guidelines, parking allowed one side, Local Street Option C</td>
<td>Queuing guidelines, no parking allowed, Local Street Option D</td>
</tr>
</tbody>
</table>
6. Sidewalks shall be included on all urban streets.

7. Stub streets shall be allowed to maintain opportunities for future connectivity. Temporary turnarounds may be required in constructing stub streets.

8. Cul-de-sacs shall be used only where topographical or other environmental constraints prevent street connections. Pedestrian and bicycle connections should be used to connect cul-de-sacs to adjacent streets or other cul-de-sacs, where practical. Cul-de-sacs will have a maximum length of 500 feet.

9. Streets and accessways need not be required where one or more of the following conditions exist:
   a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
   b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
   c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

I. Access management standards for local streets shall be met in all new urban density developments as defined in subsection H of this ordinance section. Driveway access spacing shall be maintained to allow queuing, as illustrated in Figures 18-1 through 18-3 (shown in subsection H.5.d). The guidelines found in subsection H.5 shall be used by the County Public Works Department to review and approve the use of narrow street standards on a case-by-case basis.

Additional access management standards are located in Article 19 of the Hood River County Zoning Ordinance.

J. Outside the Urban Growth Areas of Hood River and Cascade Locks, rural local street standards shall apply to new roads constructed in all new residential subdivisions and partitions that: a.) have the potential (via build-out or street connectivity) for no more than 10 parcels/lots total; and/or b.) Have an average potential lot size of more than 10,000 square feet. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

<table>
<thead>
<tr>
<th>Classification</th>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Shoulder</th>
<th>Parking</th>
<th>Planting strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
<th>Other/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Local Residential Option A</td>
<td>60'</td>
<td>22'</td>
<td>Two 11'</td>
<td>None</td>
<td>3' gravel shoulder both sides</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>One or two 5-10'</td>
<td>12' ditch, one or both sides</td>
</tr>
<tr>
<td>Rural Local Residential Option B</td>
<td>50'</td>
<td>20'</td>
<td>Two 10'</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>One or two 5-7'</td>
<td>Unpaved</td>
</tr>
</tbody>
</table>
1. Public or private roadways designed to serve no more than four parcels shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 30 feet. (See Table 18-2, Rural Local Option “C”.) At the discretion of the County Engineer or Planning Director, based on input from the Fire Chief, the travel width may be reduced to 16 feet, under certain circumstances.

2. A roadway that has the potential to serve five to 10 parcels, with no further potential for street connectivity, shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 50 feet. (See Table 18-2, Rural Local Option “B”.)

3. Any roadway designed to serve more than 10 parcels, where the average potential lot size is greater than 10,000 square feet, shall be constructed according to the recommended rural local residential street standard of 22’ paved road surface width with a 60’ right-of-way. (See Table 18-2, Rural Local Option “A”.)

4. Turn-arounds, turn-outs, and additional access roads may be required for any of the above Rural Local Road Standards (Table 18-2, Options A-C) and shall comply with the requirements of the County Engineer and with the Fire District’s Fire and Life Safety Requirements.

5. Road right-of-way may be considered part of a parcel’s area for Rural Residential parcels with an average potential lot size of 2 acres or greater.

K. Streets in Planned Unit Developments (PUDs) are not covered by this ordinance.

L. The Planning Commission or Planning Director may require the developer to create a reserve strip controlling access to and from a street to be placed under the jurisdiction of the County whenever the Planning Commission or Director determines that such a reserve strip is necessary to:

1. Prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.

2. Prevent access to the side of a street on the side of a street where additional width is needed.

3. Prevent access to land abutting the street of the development; or

4. Prevent access to land unsuitable for building developments.

M. Whenever existing streets adjacent to or within a tract have inadequate width, additional right-of-ways may be required.

N. Roads that have the potential to serve more than 4 parcels/lots shall be dedicated to the public.
O. Private roads may be constructed if they serve, or have the potential to serve, no more than four potential parcels/lots and are not intended to provide through access to any other road, at the discretion of the County Engineer.

P. New roads constructed within subdivisions shall be dedicated to the public, and accepted by the Board of Commissioners. New public roads constructed to county road standards within major partitions shall be dedicated to the public via a declaration on the face of the plat, with the signature of the Planning Director on the plat signifying the County’s acceptance.

Q. Vacation of easements for public right-of-way shall be processed according to the procedures defined in ORS 368.326 – 368.426 (County Roads), and ORS 92.234 – 92.245 (Subdivisions and Partitions).

R. Street extensions, conforming to alignment, grade and width requirements shall be provided for access to acreage adjacent to the subdivision. Stub streets which are reserved for future extensions not exceeding one lot in depth shall not be required to have a cul de sac, provided all lots adjacent to such stub streets have adequate frontage on and access to another street.

S. All street names shall be subject to the approval of the Planning Commission or Director. Duplication of street names will not be permitted unless the streets are obviously in alignment.

T. All streets and right-of-ways shall be subject to the approval of the Planning Commission or Director.

U. The creation of streets shall be in conformance with the required standards for an approved subdivision except, the Planning Commission or Director shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivision provided any of the following conditions exist:

1. The establishment of the street is initiated by the County Board of Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

2. Creation of a new road, which is proposed outside of the partitioning or subdivision process shall be considered a “Major Partition for Access Only” and shall follow the “Street Design Standards” of the Subdivision Ordinance (Section 18.32), as well as the applicable criteria identified in Sections 18.32(H) and (J). Private residential roads as described in Section 18.32(O) are exempt from this requirement, although the owners with an interest in such roads should still construct them to Fire District standards, obtain access approval from County Public Works, if necessary, and record easements with County Records and Assessment.
HOOD RIVER COUNTY

SUBDIVISION ORDINANCE

ADOPTED FEBRUARY 16, 1966; HRC ORDINANCE No. 46
AMENDED AUGUST 19, 1974 – Ord. No. 48
AMENDED MARCH 3, 1986 – Ord. No. 146
AMENDED JULY 5, 1988 – Ord. No.173
AMENDED JULY 15, 2002 – Ord. No. 241
INCLUDED AND FORMATTED INTO THE HRC ZONING
ORDINANCE AS ARTICLE 18 ON AUGUST 28, 2002
AMENDED AUGUST 22, 2003 – Ord No. 249
AMENDED DECEMBER 21, 2015 – Ord No. 329
AMENDED MAY 7, 2018 – Ord. No. 360
AMENDED JUNE 21, 2021 – Ord. No. 372
ARTICLE 18

SUBDIVISION ORDINANCE
HOOD RIVER COUNTY ORDINANCE
NO. 46

AN ORDINANCE TO ADOPT REQUIREMENTS FOR THE SUBDIVIDING AND PARTITIONING OF LAND IN THE UNINCORPORATED TERRITORY OF HOOD RIVER COUNTY

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HOOD RIVER COUNTY ORDINANCE NO. 46
AN ORDINANCE TO ADOPT REQUIREMENTS FOR THE SUBDIVIDING AND PARTITIONING OF LAND IN THE UNINCORPORATED TERRITORY OF HOOD RIVER COUNTY

BACKGROUND INFORMATION
PURPOSE AND INTERPRETATION

Section 18.01 – Purpose of Adoption

The purpose of this Ordinance is to provide standards and procedures to govern the development of land, to carry out the Comprehensive Plan of Hood River County, to promote the public health, safety and general welfare, to lessen congestion in the streets, secure safety from fire, flood, slides, pollution and other dangers, provide adequate light and air, prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewage, drainage, education, recreation and other needs of the people of Hood River County.

Section 18.02 – Subdivision Ordinance Interpretations, Urban Growth Area

A. The Hood River County Zoning Ordinance and Zoning Designations and Subdivision Ordinance apply to private, County and State ownerships, including lands within both Urban Growth Boundaries of the Cities of Hood River and Cascade Locks.

B. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appeals process specified in Hood River County Zoning and Subdivision Ordinances. The Cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the City's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director administrative decision-making process.

C. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the Cities of Hood River and Cascade Locks will prevail regarding the specific city zoning and subdivision ordinance interpretations relative to the following: uses permitted or conditionally allowed; and site development standards or requirements (e.g., maximum height, setbacks, minimum lot size for new lots or parcels, lot coverage, stream setbacks, distances between buildings, densities, etc.). However, the County reserves the right to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and the County) public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the City's and the County's Comprehensive Plans.

D. Cities' responses to County referrals will be specific regarding what site development standards are required. A brief statement that the request must comply with the City's Zoning Ordinance is not acceptable.
DEFINITIONS

Section 18.03 – Purpose of Definition

For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms used herein shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words in the singular number include the plural; words in the plural number include the singular. The word "shall" is mandatory and the word "may" is permissive.

Section 18.04 – Definitions

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

- A -

ABUT OR ABUTTING - Means contiguous with.

ACCEPTED FARM PRACTICE - 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.

ACCESS OR ACCESS WAY - The place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this chapter.

ACCESSORY BUILDING OR USE - A building or use which: (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principles use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory uses are private garages, storage sheds, carports, or patio covers.

ADVISORY REVIEW COMMITTEE - The Director of Public Works, the Planning Director and the County Sanitarian or their authorized representatives. The Planning Director shall act as Chairman and Secretary.

ALLEY - A public or approved private way at the side or rear of property permanently reserved as a means of secondary vehicular access to abutting property.

AREA - A piece of land capable of being described with such certainty that its location may be established and boundaries definitely ascertained.

AREA - LOT OR PARCEL - The total net area within the property lines of a lot or parcel, including that area within any right-of-way, as described in a recorded deed.

- B -

BOARD OF COMMISSIONERS - "Board" means the Board of County Commissioners of Hood River County.

- C -

COUNTY CLERK - The Director of Records and Assessments of Hood River County.
COMMERCIAL - The purchase, sale or other transaction involving the handling or disposition (other than that included in the term “industry” as defined in this section) of any article, substance or commodity for livelihood or profit including shops for the sale of personal services (including professional services), and places where commodities or services are sold or are offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMISSIONERS - The Hood River County Board of Commissioners.

COMMISSION, PLANNING COMMISSION, OR COMMISSION - The Planning Commission of Hood River County.

COUNTY - The County of Hood River.

CUL DE SAC - A type of dead end street, designed for limited use which cannot practically be extended with a suitable turn-around radius at the end.

-D-

DIRECTOR OF PLANNING - Refers to the Director of Planning of the County of Hood River and includes "Planning Director" or "Planner - Zoning Administrator".

-E-

EASEMENT - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

-F-

FARM USE - As used in this Ordinance "farm use" means the current employment of land, including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof "farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

FLOODPLAIN - The 100-year floodplain of a river, stream or lake.

-G-

GOVERNING BODY - The Hood River County Board of Commissioners.

-I-

INDUSTRY - The manufacture, fabrication, processing or reduction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof.
LEGAL DESCRIPTION - The method by which the outer boundaries of a building site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to establish points, monument, etc.

1LOT - A single unit of land that is created by a subdivision of land.

LOT, BUTT - A lot, the lot side lines of which abuts the lot rear line of two or more adjoining lots.

LOT, CORNER - A lot at the junction of two or more intersecting streets with a boundary line thereof abutting on each of the streets.

LOT, CUL DE SAC - A trapezoidal or wedge shaped lot wherein the minimum lot width shall be measured at the setback line.

LOT, DEPTH - The average horizontal distance between the front and rear lot line measured in the mean direction of the side lines of the lot.

LOT, EXTERIOR - A lot which is a corner lot.

LOT, FLAGPOLE - A building site with access to a street by means of a corridor or access way which is not less than as required by this Ordinance.

LOT, INTERIOR - A lot which is not a corner lot.

LOT LINE, FRONT - On an interior lot, the “front lot line” means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the “front lot line” is the property line closest to and most nearly parallel with the street which serves the lot.

LOT OF RECORD - A lot, the legal description for which is recorded in the Department of Records and Assessments of Hood River County.

LOT THROUGH - A lot having frontage on two parallel or approximately parallel streets. The Commission shall determine which frontage shall be considered as the lot front for the purpose of compliance with yard and setback provisions of this Ordinance.

LOT WIDTH - The average horizontal distance measured between the side lines of the lot.

1ORIGINAL LOT OR PARCEL - The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

1PARCEL - A single unit of land that is created: (a) by partitioning, as defined in ORS 92.010; (b) in compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or (c) by deed or land sales contract, if recorded prior to January 1, 1976.

1 Amended on July 15, 2002, HRC Ord. 241.
PARTITION - Means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION, MAJOR - Means a partition that includes the creation of a road or Street.

PARTITION, MINOR - Means a partition that is subject to approval by the County under this Ordinance and that does not include the creation of a road or street.

PARTITION, LAND - Means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include division of land resulting from the creation of cemetery lots, and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance.

PERSON - An individual, firm, co-ownership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the Federal or State Government, City, County, special district, or any other group or combination acting as an entity.

PLANNING DIRECTOR'S REVIEW PROCEDURE - Refers to provisions in Article 72 – Planning Director's Review Procedure of this Ordinance.

PLAT - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition, as defined in ORS 92.010.

PUBLIC UTILITY - Any company or firm under the jurisdiction of the Oregon State Public Utility Commissioner or County District under jurisdiction by a Board of Trustees.

RIGHT-OF-WAY - (1.) The exterior boundary of a street, public or private easement, or similar corridor of land where street and utility improvements, such as the improved road surface, sidewalks, planter strips, drainage ditches, and utility lines are located. When measuring setbacks, the edge of the right-of-way should be used, unless the setback is measured from centerline of the street. (2.) Is also defined as: Land that is owned in fee simple by the public, usually for transportation facilities.

ROAD OR STREET - A public or private way for travel by vehicles, bicycles and pedestrians, that meets County standards or descriptions in the County Transportation System Plan, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

STATEMENT OF WATER RIGHTS - Chapter 92, Oregon Revised Statutes requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, water control district, or district improvement company to file and record a statement of water rights. If a water
right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.

STREAM - Any perennial natural water course.

STREET - The principal means of access to abutting property as defined herein. "Streets" also include parkways, alleys and roads.

STREET, ROAD OR WAY - PRIVATE - Any area used for vehicular access and restricted from and/or not dedicated to the general public use or as further defined by any standards adopted by the Board of County Commissioners.

STREET, ROAD OR WAY - PUBLIC - Any street, road or way dedicated to the public, or the County, for and available to public use.

STREET, CENTERLINE - The centerline of the street as determined by official surveys or precise or specific plan of a highway alignment.

STREET, LOCAL - Any street dedicated, deeded or condemned as such serving as a principal means of access to abutting property, which street may be shown on or included in the circulation element adopted by and as amended by the County. Local streets typically include public streets or roads that serve local or neighborhood traffic and are not classified as arterials or collectors in the County’s Transportation System Plan.

STREET, COMPREHENSIVE OR SPECIFIC PLAN - Any street or highway shown on the circulation element or adopted by and as amended by the County, including the Street Classification Map of the County’s Transportation System Plan.

STREET, SIDE - The street bounding a corner lot and which extends in the same general direction as the lot line determining the depth.

STREET, ARTERIAL - A street used primarily for through traffic and identified as an arterial on the Functional Classification Map of the County’s Transportation System Plan.

STREET, COLLECTOR - A street that connects two arterials or connects several local streets to an arterial and that is identified as a collector street on the Functional Classification Map of the County’s Transportation System Plan. Collector streets typically serve a mix of local and through traffic.

SUBDIVIDE LAND - Means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION - Means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.
APPLICABILITY OF OTHER ORDINANCES

Section 18.05 – Effects of Previous Subdivision Ordinances

A. Hood River County Subdivision Ordinance Number VI is hereby repealed. Any approval or conditional approval granted under the provisions of the Subdivision Ordinance Number VI or its amendments shall be valid in accordance with the provisions and conditions under which it was approved.

B. The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

SEPARABILITY

Section 18.06 – Separability

Should any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.
**GENERAL PROCESS**

**FILING FEES**

Section 18.07 – Filing Fees Required

The filing fees for a land use application with the County Planning Department are reviewed by the County Board of Commission on an annual basis. To determine the fee for a particular application, see the most current County Fee Schedule.

Section 18.08 – Refund and Withdrawals

Filing fees are utilized to cover costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications. As such, refunds due to a denial are not permitted.

In case of a withdrawal, the Planning Department shall authorize a refund based upon pro-rata costs and determination of the status of the application at the time of withdrawal.

Section 18.09 – Waiver

The Planning Commission or Director may waive filing fees based upon the following:

A. Applications made by tax supported governmental agencies, i.e., School Districts.

B. The applicant is involved in an animal husbandry project in conjunction with a bona fide educational organization such as FFA or 4-H.

C. Any additional waivers of fees will be subject to review and approval by the Board of Commissioners.
Article 18 – General Process - 2

PLANNING COMMISSION & PLANNING DIRECTOR APPEALS

Section 18.10 – Appeal of the Planning Commission

A. Any "party" having "standing" as provided by this section may appeal to the Board of Commissioners an action or ruling of the Planning Commission authorized by this Ordinance.

B. Board of Commissioners review of final actions or rulings of the, Planning Commission shall be solely as provided by Section 18.10 of this Ordinance.

C. No action for review by the Board of Commissioners shall be maintained as to the validity of any action or ruling of the Planning Commission, except a final order or ruling.

D. In order to have standing for review under this Ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the hearing on which the Planning Commission based its action or ruling, and speak or introduce input in opposition to the Planning Commission's ultimate action or ruling at the hearing, unless the party can show to the Board good cause or reason why attendance at the hearing was not possible. The following only are hereby defined as "parties" having standing for review under this Ordinance:

1. A person or persons jointly or severally adversely affected or aggrieved in fact by an action or ruling of the Planning Commission.

2. A governmental agency, civic or environmental organization that demonstrates to the Board that it has a valid interest in the preservation of aesthetic, healthful or conservational conditions for the welfare of the general public.

3. Any other person who demonstrates to the Board that his legal rights are affected by the outcome of the hearing and subsequent action on a specific application.

4. The Board of County Commissioners shall make all decisions of who shall qualify as a party having standing under this Ordinance prior to the time set for final hearing on review.

E. Jurisdiction for review of a final order or ruling of the Planning Commission is conferred upon the Board of Commissioners. Proceedings for review shall be instituted by filing a written "Petition for Appeal" on a form provided by the Planning Commission, with the Department of Records and Assessments within 30 days after the Commission has rendered its final order or ruling. The petition shall state the nature of the petitioner's interest, the facts showing how the petitioner is adversely affected or aggrieved by the Planning Commission's order or ruling, and the ground or grounds upon which the petitioner contends the order or ruling should be reversed or remanded.

F. If no appeal is filed within the 30 day period, the order or ruling of the Planning Commission shall be final and not appealable.

G. The filing of the "Petition for Appeal" shall not stay enforcement of the Planning Commission's order or ruling, but the Board may do so upon requiring the giving of a bond or other undertaking or upon such other terms as it deems proper. Any bond or other undertaking executed pursuant to this subsection shall be in favor of Hood River County, Oregon, for its benefit and for the benefit of whomever else it may concern and may be
enforced by the Board or any other person concerned in an appropriate proceedings as their interest may appear.

H. If the application is denied, either initially or never taken, or upon review by the Board of Commissioners, or by the courts affirming denial, no new application for the same or substantially similar action shall be filed for at least one (1) year from the date of final order on the action denying the application.

I. Within 30 days after the filing of the "Petition for Appeal" the Planning Commission shall transmit to the Board of Commissioners the original or a certified copy of the entire record of the proceeding under review, but by stipulation of all parties to the review proceeding, the record may be shortened. The Board may require or permit subsequent corrections or additions to the record when deemed desirable.

J. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the County, not less than five days prior to the date of the hearing. Such notices shall also be sent by mail to all property owners within 250 feet of the exterior boundaries of the property which is the subject of the appeal.

K. If, not later than 15 days before the date set for the hearing on the petition, application is made to the Board for leave to present additional evidence, and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good substantial reasons for failure to present it in the proceeding before the Planning Commission, the Board may order the additional evidence to be taken before the Planning Commission upon such conditions as the Board deems proper. Notice of the time and place where the Planning Commission is to take the additional evidence shall be published in the same manner as in the original hearing. Planning Commission may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the Board, file with the Board, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or its certificate that it elects to stand on its original findings and order as the cases may be.

L. The Board's review of the Planning Commission's order shall be confined to the record unless the Board elects, at its option, to hear the application de novo and allow testimony and other evidence in addition to that received upon initial action. If the Board elects to hear the application de novo, this fact shall be included in the notice of the hearing.

M. If the review of the Planning Commission's order is a review on the record and not a de novo hearing, the Board shall not substitute its judgment for that of the Planning Commission as to any issue of fact, and no additional evidence shall be received. However, in the case of disputed allegations of irregularities in procedure before the Planning Commission not shown in the record which, if approved, would warrant reversal or remand, the Board may take evidence limited to the alleged irregularities in procedure and make findings of fact and enter an order upon them.

N. The Board may affirm, reverse or remand the order. The Board shall reverse or remand the Planning Commission’s order only if it finds:

1. The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the Board shall find that substantial rights of the petitioning party were prejudiced thereby and defects in the content of the notice required by this section, but not asserted at or prior to the commencement of the hearing before the Planning Commission, shall not be cause for reversal or
2. The rule or order to be unconstitutional; or

3. The order is not supported by reliable, probative and substantial evidence on the whole record; or

4. The order is not supported by sufficient probative and substantial findings of fact.

O. In the case of reversal, the Board shall make special findings of fact based upon evidence in the record and conclusions of law indicating clearly all respects in which the Planning Commission's order is erroneous. If the Board's decision upholds the decision of the Planning Commission, the Board shall make special findings substantiating their decision. The Board may adopt or include findings of the Planning Commission as it sees fit.

P. All decisions of the Board of Commissioners under this Ordinance shall be final and shall be reviewed only upon writ of review as provided in ORS Chapter 34.

Section 18.11 — Appeal of the Planning Director

A. At the request of the Planning Commission, the Director's final decision can be subject to review through a hearings process. The request shall occur within 15 days after the Director's final report is completed.

B. Decisions of the Planning Director shall be final unless appealed. Appeals shall be submitted in writing to the Planning Commission within 15 days from the date of the Director's action by obtaining an appeal form from the Hood River County Planning Department.

C. Any "party" having "standing" as provided below may appeal to the Planning Commission.

D. In order to have standing for review, a party, as defined in subsections 1, 2, 3 and 4 below, must be represented or attend the review on which the Director based his action or ruling and speak or introduce input in opposition to the Director's action or ruling, unless the party can show to the Planning Commission good cause or reason why attendance at the review was not possible. The following are hereby defined as "parties" having standing for review:

1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this Ordinance prior to the time set for final hearing on review.

2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.

3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic, healthful or conservational conditions for the welfare of the general public.

4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.
PLANNING COMMISSION HEARINGS & PLANNING DIRECTOR REVIEW

Section 18.12 – Notice of Public Hearings

Notice of public hearings before the Board of Commissioners and Planning Commission shall meet the following:

A. Board of Commissioners: Publication in a newspaper of general circulation in Hood River County at least 10 days in advance of the public hearing, and notification of each property owner listed on the latest equalized tax roll of the County of Hood River within 250 feet of the exterior boundary of the lot or parcel in question.

B. Planning Commission: The same as for the Board of Commissioners.

Section 18.13 – Conduct of Public Hearings

The Board of Commissioners, Planning Commission and Advisory Review Committee shall individually adopt by resolution rules of conduct of public hearings. Said rules shall be available upon request from the office of the Planning Commission and the Department of Records and Assessments. Copies shall be available at the public hearing and shall be distributed to each applicant and other individuals requesting same.

Section 18.14 – Planning Director's Review Procedure

Notice of Administrative Action before the Planning Director shall meet the following:

A. Notice shall be sent by mail to all property owners within 250 feet of the property which is the subject of the application (major partitions only).

B. Notice shall be sent to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

C. The Director's decision shall be filed in the County Planning Department and mailed to the applicant and all applicable parties.

D. Notice of decision shall contain: (1) identification of applicant; (2) Findings of Fact or Conclusions of Law of the Director; (3) other information pertinent to the application; and (4) the date of the Director's decision.

E. The Director shall notify the Planning Commission and Board of final decision(s).

F. Notice shall be placed in a newspaper of general circulation at least 10 days prior to the Director's final decision.
ENFORCEMENT AND PENALTIES

Section 18.15 – Enforcement and Penalties

A. Any individual, firm or corporation, whether as principal, agent or employee, violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or 50 days imprisonment in the County Jail or both per offence.

B. In addition, the Board of Commissioners, the Planning Commission, the District Attorney or a person whose interest in real property in Hood River County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the unlawful use.
SUBDIVISIONS

GENERAL PROVISIONS

Section 18.16 – Purpose of Chapter

This chapter is enacted pursuant and supplementary to OHS 92.101 to 92.160 for the purposes of adopting regulations for the design and improvements of subdivisions and minimum lot standards for subdividing land within the unincorporated territory of Hood River County.

SUBDIVISION OF LAND INTO FOUR OR MORE PARCELS TENTATIVE PLAN

Section 18.17 – Requirements, Compliance with Comprehensive Plan

A. No person, firm, corporation, partnership or association shall subdivide land in the unincorporated territory of Hood River County into four or more lots without first obtaining approval from the Planning Commission, Board of Commissioners or Director, pursuant to the requirements of Section 18.01, 18.02, 18.03 and 18.04 of this Ordinance.

B. No person, firm, corporation, partnership or association shall cause a subdivision to be created and no County Official shall accept or approve a subdivision unless it meets the requirements of the Comprehensive Plan and the Zoning Ordinance.

C. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision until approval is obtained.

D. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision until the plot of the subdivision has been acknowledged and recorded with the recording officer of the County in which the lot is situated. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat of such subdivision has been so recorded.

Section 18.18 – Preparation, Purpose and Filing of Tentative Plan

A. The initial action in connection with the making of any subdivision shall be the preparation of a tentative plan or plans conforming to the provisions of this chapter. A tentative plan shall be made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it and need not be based upon the accurate or detailed survey of the property.

B. A tentative plan shall be filed with the Planning Department for any proposed division of land defined as a "subdivision" in Section 18.04.

Section 18.19 – Form and Contents for a Tentative Plan

A. A tentative plan shall be drawn to scale and shall conform to the design regulations contained in Design Standards, Sections 18.32 – 18.40.

B. Every tentative plan shall be clearly and legibly reproduced and shall show the following
information:

1. A site sketch showing the location of the proposed subdivision in relation to the surrounding area or region.

2. The tract name, date, north point and scale.

3. Names, addresses and telephone numbers of record owner, subdivider and engineer or surveyor or other persons preparing the tentative map.

4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of adjacent parcels.

5. Location, names, present center lines, widths and grades of adjacent or abutting roads and streets.

6. Location and dimensions of all known easements, reservations and drainage ditches on or adjacent to the proposed subdivision.

7. The location of all existing structures to remain on the property.

8. Topography shown with sufficient detail for proper study of drainage, sewage disposal, building sites and road locations.

9. Approximate location of all areas subject to inundation or storm water overflow and the locations, width and direction of flow of all water courses.

10. The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.

11. The approximate dimensions and area of all lots and radii of all curves.

12. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.

13. Source of water supply; volume of water available.

14. Natural factors such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Section 18.20 – Data to Accompany Tentative Plan

Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:

A. A preliminary title report prepared by a reputable Title Insurance Company stating rights and interest in the property being subdivided.

B. If domestic water supply proposed by the subdivider is from a private source, information on availability of water source shall be supplied.
C. When subsurface sewage disposal systems are proposed for sewage disposal, test data in accordance with the requirements of the latest adopted standards by the Department of Environmental Quality and any supplemental tests as required by the County Health Department shall be submitted. Requirements of the Department of Environmental Quality and the County Health Department shall be met. Detailed information on any proposed community sewage disposal system shall be submitted to the satisfaction of the County Health Department and the Department of Environmental Quality.

D. Information on the source of other public utilities.

E. Proposed drainage and flood control measures.

F. A general development plan of contiguous subdivision units and parcels proposed for subdivision for the purpose of reference and information of the Planning Commission.

G. Existing and proposed uses of the property, including any public areas proposed.

Section 18.21 – Statement of Water Rights

A. Applicants proposing subdivisions or replats on lands outside the boundaries of an irrigation district, water control district, or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the subdivided lands, the water rights statement and a copy of the proposed subdivision shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved subdivision plat.

B. Statement of Water Rights forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District 3 or the Oregon Water Resources Department.

Section 18.22 – Filing Prints of Tentative Plan; Filing Fees; Acceptance

A. There shall be filed with the Planning Director, twelve prints and one sepia; if a sheet size of 81" x 14" or smaller is used, a sepia is not required if the tentative plan conforms to the requirements of Section 18.19 and accompanying data required by Section 18.20 of this Section.

B. The subdivider shall at the time of filing a tentative plan, pay a filing fee as required by Section 18.07.

C. The time of filing a tentative plan shall be the time at which the plan is received by the Planning Department. The Planning Department shall examine such plan and shall not accept it unless it is in full compliance with the provisions of law and this Ordinance.

D. Upon acceptance, the Planning Department shall give a receipt for the plan, accompanying data and filing fee. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for proper consideration of the plan, nor does it insure that the plan does comply with the law and with this Ordinance.

Section 18.23 – Distribution of Copies; Action on Tentative Plan by Agencies, etc.; Approval or Disapproval

A. The tentative plan shall be distributed by the Planning Department to public agencies and
officials and public utility companies requesting same for review and report thereon.

B. Within not more than twenty eight days from receipt of a tentative plan, each officer or agency shall file a report with the Planning Department on his or its approval, conditional approval, recommendation or disapproval. Such recommendations shall be in writing and shall indicate what changes are necessary to make the proposed subdivision acceptable, including any typical drawings and specifications adopted as standards. The recommendations as submitted may then become a condition of approval.

C. Prior to the public hearing by the Planning Commission, the Advisory Review Committee shall meet with the subdivider. The Advisory Review Committee shall prepare a report to the Planning Commission recommending appropriate action and/or conditions to be placed on the final plat.

D. Upon receipt of an adverse report or recommendation from the County Sanitarian pertaining to sewage disposal or potability or quantity of water supply, or from any district or agency that has jurisdiction over sanitary sewer systems or adequacy of water supply or water systems, the Planning Commission shall deny the tentative plan.

E. Within fifty days after receipt of a tentative plan from the subdivider, unless such time is extended by the Planning Commission and the subdivider or his agent is advised of such extension, the Planning Commission shall conduct a public hearing on the matter together with all reports pertaining thereto, and shall approve, conditionally approve or disapprove the same. Such action shall be endorsed upon the face of the tentative plan. In the event the tentative plan is disapproved, the reasons for such disapproval shall be stated upon a memorandum permanently attached to such map, together with a statement of what changes will render the plan acceptable. One copy of the tentative plan and memorandum shall be sent to the subdivider and one copy shall remain permanently in the files of the Planning Commission. If no action is taken by the Planning Commission within fifty days, or such longer period as required by the Planning Commission, the tentative plan shall be deemed approved and it shall be so attested by the Commission. The action by the Planning Commission is final unless appealed as provided in Sections 18.10 and 18.11 of this Ordinance.

F. No tentative plan or plat of a subdivision shall be approved which bears a name using a word which is the same as, or similar to, or pronounced the same as a word in the name of any other subdivision in the same County, except for the words “town”, “city”, “place”, “court”, “addition” or similar words unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name.
SUBDIVISION OF FOUR OR MORE PARCELS FINAL PLAT

Section 18.24 – Time of Preparing a Final Plat, Failure to File Within Time Limits; Tentative Plan Pre-Requisite to Recording; Filing Fees

A. Within a period of four (4) years after approval or conditional approval of the tentative plan or plans, the subdivider shall cause the subdivision, or any part thereof, to be surveyed and a final plat to be prepared in accordance with the tentative plan as approved and recorded, unless an extension of time is granted. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance. Failure to record a final plat within the initial or extended approval period shall cause the permit to expire.¹

B. Any such request for extension by the subdivider to file his final plat shall be made thirty days prior to the expiration date of the twelve month period following approval of the tentative plan. The request for extension shall be made by the subdivider in writing to the Planning Commission which must act upon such request prior to the expiration of the thirty days.

Section 18.25 – Form and Contents of the Final Plat

A. The final plat shall be clearly and legibly drawn, or reproduced by a process guaranteeing a permanent record in black upon tracing cloth or polyester film. All lines, letters and figures shall be clearly and legibly drawn in black water proof India ink. The plat shall be made in such condition that when filed, good legible prints can be made therefrom.

B. The size of sheets shall be eighteen inches by twenty six inches. The scale of the final plat shall be sufficiently large to clearly show the details of the plat.

C. Every sheet comprising the final plat shall bear the tract name, scale, north point, legend, sheet number and number of sheets comprising the plat. Below the north point shall be clearly noted the basis of bearing for the survey. When the final plat consists of more than two plat sheets, a key plan showing the relation of the sheets shall be placed on sheet one.

D. The final plat shall clearly show the exact location of all permanent monuments as required to be set per Section 18.81 of this Ordinance. The corners of adjoining subdivisions shall be identified by lot and block numbers, tract name and place of record, or by section, township and range or other proper designations.

E. The final plat shall show the side lines, total width, width of the portion being dedicated and width of existing dedications of all streets and ways and the width of railroad rights-of-way appearing on the map. Where there has been established the center line of an existing street or way, the data shall be shown on the final plat indicating all monuments found and making reference to a field book or map. If the points were reset by ties, that fact shall be stated.

F. All lots shall be numbered consecutively with no omissions or duplications throughout the subdivision, including all units of any subdivision which has the same tract name but is designated by different units. Block division or numbering is not permitted. Circles or other geometric figures shall not be drawn around numbers. Each lot must be shown entirely on one sheet.

¹ Section 18.24 was amended via Ordinance #372 on June 21, 2021
G. Sufficient data must be shown on the final plat to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet and hundredths of a foot. No ditto marks shall be used. Lots containing one acre or more shall show net acreage to nearest hundredth. Bearings and distances of straight lines, and such radii and arc length for all curves as may be necessary to determine the location of centers of curves shall be shown.

H. The final plat shall show the location and width of all easements and building setback lines to which the lots are subject. The easements must be clearly labeled and identified, and if already of record, the recorded reference given. If the easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements shall be designated by dashed lines. Distances and bearings of the side lines of lots cut by an easement must be arrowed to indicate clearly the actual lengths of the lot lines. The width of the easement and length and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement must be shown. If the easement is being dedicated by the map, it shall be properly set out in the owner's certificate of dedication.

I. The final plat shall particularly define and designate all lots reserved for private purposes and all lots offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case. Any or all of the lots intended for any public use, except those lots.

Section 18.26 – Certificates and Acknowledgements

The following certificates and acknowledgements shall appear on the final plat and may be combined when appropriate:

A. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the preparation and recordation of the final plat. The signatures of parties owning the following types of interests may be omitted if their names and nature of interests are endorsed on the map;

1. Right-of-way, easements, or other interests, none of which can ripen into a fee.

2. Right-of-way, easements of reversions, which by reason of changed conditions long disuse or negligence appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signatures shall be endorsed on the map. Land including territory originally patented by the United States of this State, under patent reserving interest to either or both of those entities.

B. A certificate for execution acknowledged as above donating to the public all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply system; and land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

C. A certificate by the registered professional engineer or licensed surveyor responsible for the survey and final plat. The signatures of such Civil Engineer or licensed surveyor must be accompanied by his seal or stamp.

D. A certificate for execution by the Director of Public Works.
E. A certificate for execution by the County Recorder.

F. A certificate for execution by the Chairman of the Planning Commission attested by the Secretary thereof.

G. A certificate attesting that a tax bond, cash or other security guarantees in payment has been filed with the Clerk of the Board of Commissioners to cover taxes and assessments against the property which are a lien but not yet payable.

H. A certificate for execution by the Chairman of the Board of Commissioners, attested by the Clerk of such Board approving the final plat as submitted, and accepting, or not accepting, the areas offered for dedication for public use.

Section 18.27 – Official Not to Execute Certificates, etc., If He Has Interest in Subdivision

When any provision of Oregon State Law or of this chapter requires the execution of any certificates or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Board of Commissioners. The engineer or surveyor preparing the plat, shall be exempt from the requirements of this section.

Section 18.28 – Data and Information to Accompany Final Plat

The following data and information shall accompany the final plat:

A. Evidence of title issued by a reputable title insurance company, showing the names of all persons having any right, title or interest in the lands being subdivided and whose consent is necessary to convey clear title to the land.

B. Deed restrictions to be recorded with the final plat.

C. A letter from the Director of Public Works stating that either street improvements shown on the approved improvement plan have been installed satisfactorily, or if such improvements have not been installed, the estimated cost of installing such improvements.

D. A letter from the County Health Department or Department of Environmental Quality and any public or private agency, company or district supplying water to the subdivision certifying that satisfactory arrangements have been made with them for the installation of an adequate and safe water supply for each lot within the subdivision, in accordance with provisions of Section 18.36 of this Ordinance.

E. A letter from the County Health Department and Sanitary District or Sanitation District having jurisdiction, certifying that satisfactory arrangements have been made with them for adequate sewage disposal for each lot in the subdivision in accordance with any State Laws or County Ordinances pertaining thereto.

F. Any other evidence and material that are, or may be hereafter required by law, or by the conditions or approval of the tentative plan.

Section 18.29 – Recording Statement of Water Rights
The Statement of Water Rights and the acknowledgement from the Oregon Water Resources Department must be recorded with the County approved subdivision plat.

Section 18.30 – Filing of Plat

A. The final plat conforming to the requirements of Section 18.31 of this chapter and containing all (except the approval certificate by the Planning Commission and the Board of Commissioners) the necessary signatures affixed to the certificates and acknowledgements and all accompanying data and material, shall be filed with the Planning Department within one year after the tentative map has been approved, unless the subdivider has applied for and has been granted an extension of the time for filing by the Planning Commission.

B. At the time of filing the final plat, the Planning Department shall give a receipt for the map and accompanying data.

Section 18.31 – Action on Final Plat by County Officials

A. Either before or after recording the final plat, the subdivider shall file a report with the Real Estate Division, Department of Commerce and State of Oregon when required by Oregon State Law.

B. Approval of final plat by the Planning Director. After reviewing the final plat, the Planning Director shall:
   1. Approve the plat if it substantially conforms to the adopted tentative plan
   2. Deny the final plat if it does not substantially conform to the tentative plan.

C. Approving signatures. When the plat is approved by the Planning Director, the plat shall be sent to:
   1. The Director of Public Works, whose signature shall certify that the platting laws of this State and of this Ordinance have been complied with.
   2. The Director of Budget and Finance, whose signature shall certify that all taxes on the property have been paid, and a certification by the Director of Budget and Finance that a Security Bond has been filed in the Department of Budget and Finance to cover any uncompleted improvements.
   3. The Planning Commission Chair and attested by the Secretary that the plat substantially conforms to the approved tentative plan.
   4. A majority of the Board of Commissioners, whose signatures shall certify that the plat is approved by them.
   5. The County Sanitarian, whose signature shall certify that all State and County health requirements have been complied with.

D. Filing of the final plat. After obtaining all the required approvals and signatures, the subdivider shall file the approved final plat with the County Recorder. The County Recorder shall record the plat within 10 days after receipt of the plat.

E. Upon filing of the final plat, the developer shall provide five copies to the County Planning Department.
DESIGN STANDARDS

(Revised 07-21-03 as part of TSP adoption; HRC Ordinance 249; effective 8-22-03)

Section 18.32 – Streets
A. The alignment of street centerlines shall be continuations of centerlines of existing streets.

B. Any two streets intersecting on a given street shall have a continuous centerline or be separated by one hundred and fifty feet minimum. Block corners shall be rounded by a radius of twenty feet. The angle of intersection shall be between 60° and 90°. Intersecting streets shall have at least fifty feet of tangent adjacent to the intersection.

C. The following factors will be considered by the Planning Commission or Director in granting approval for streets:
   1. The relationship of the streets to existing and planned streets.
   2. Topographical conditions.
   3. Public convenience and safety and to the use of the land to be served by the street.

D. Streets and roads dedicated to the public or intended to be accepted into the County maintained road system shall meet the minimum standards as established by the Board of Commissioners; however, this does not guarantee acceptance into the County-maintained road system. Criteria for acceptance of a public road into the County-maintained road system are included in an addendum to the County Road Standards Document.

E. Road maintenance agreements are required for new private streets, and for new public streets, unless the public street has been accepted into the County road maintenance system.

F. Within the Urban Growth Area of Hood River, transportation standards of the City of Hood River shall apply as described in the City of Hood River’s Transportation System Plan.

G. Within the Urban Growth Area of Cascade Locks, transportation standards of the City of Cascade Locks shall apply as described in the City of Cascade Locks’ Transportation System Plan.

H. Within designated unincorporated communities outside the Urban Growth Areas of Hood River and Cascade Locks, urban local street standards shall apply to roads in all “urban density developments,” defined as new residential subdivisions and partitions that present both the potential to serve more than 10 parcels/lots (via build-out or street connectivity) and have an average potential lot size of 10,000 square feet or less. Within these areas, the following additional standards also shall be met:
   1. The maximum block size shall be 600 ft. in length with a 1,600 ft. perimeter.
   2. All residential developments shall provide a continuous pedestrian and/or multi-use pathway system that extends throughout the development and connects to all future phases of development as well as all adjacent trails, public parks, and open space whenever possible.
3. Road right-of-way shall not be considered part of a parcel’s area.

4. Urban local streets shall be constructed to meet one of the four design standards identified in the following table and pursuant to subsection H.5 of this Ordinance section. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

<table>
<thead>
<tr>
<th>Classification</th>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Bike lanes</th>
<th>Parking</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Local Residential</td>
<td>60'</td>
<td>34'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>Both sides</td>
<td>Two 6'</td>
<td>Two 6' minimum</td>
</tr>
<tr>
<td>Option &quot;A&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>One or two 0-10'</td>
</tr>
<tr>
<td>Urban Local Residential</td>
<td>50'</td>
<td>28'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>One or both sides</td>
<td>Two 6'</td>
<td>Two 6' minimum</td>
</tr>
<tr>
<td>Option &quot;B&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>One or two 0-10'</td>
</tr>
<tr>
<td>Urban Local Residential</td>
<td>50'</td>
<td>24'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>One side</td>
<td>Two 6'</td>
<td>One side</td>
</tr>
<tr>
<td>Option &quot;C&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>One or two 0-10'</td>
</tr>
<tr>
<td>Urban Local Residential</td>
<td>50'</td>
<td>20'</td>
<td>NA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>Two 6'</td>
<td>Two 6' minimum</td>
</tr>
<tr>
<td>Option &quot;D&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>One or two 0-10'</td>
</tr>
</tbody>
</table>

*Access control required per design guidelines.

5. The narrower local street options (Options B through D) shall be allowed only if all of the following conditions (a through d below) and those in subsection I are met:

a. On-street parking is restricted within 20 feet of each intersection; additional restrictions up to 50 feet may be applied by the County Engineer, as needed. In order to maintain adequate vehicle passage, parking restrictions shall be enforced in all places where parking is restricted. The developer is responsible for providing striping of curbs and signage to indicate parking restrictions.

b. Adequate off-street parking shall be provided to serve the needs of residents and visitors when there is no on-street parking or on-street parking is limited to one side of the street by providing visitor parking areas, or larger lots to allow for four off-street parking spaces per lot.

c. Planting strips, or other areas, shall provide adequate space for snow removal.

d. Driveway access spacing follows the guidelines set forth in Figures 18-1 through 18-3 below:
Figure 18-1. Queuing guidelines, parking allowed both sides, Local Street Option B

Figure 18-2. Queuing guidelines, parking allowed one side, Local Street Option C

Figure 18-3. Queuing guidelines, no parking allowed, Local Street Option D
6. Sidewalks shall be included on all urban streets.

7. Stub streets shall be allowed to maintain opportunities for future connectivity. Temporary turnarounds may be required in constructing stub streets.

8. Cul-de-sacs shall be used only where topographical or other environmental constraints prevent street connections. Pedestrian and bicycle connections should be used to connect cul-de-sacs to adjacent streets or other cul-de-sacs, where practical. Cul-de-sacs will have a maximum length of 500 feet.

9. Streets and accessways need not be required where one or more of the following conditions exist:
   a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
   b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
   c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

I. Access management standards for local streets shall be met in all new urban density developments as defined in subsection H of this Ordinance section. Driveway access spacing shall be maintained to allow queuing, as illustrated in Figures 18-1 through 18-3 (shown in subsection H.5.d). The guidelines found in subsection H.5 shall be used by the County Public Works Department to review and approve the use of narrow street standards on a case-by-case basis.

Additional access management standards are located in Article 19 of this Ordinance.

J. Outside the Urban Growth Areas of Hood River and Cascade Locks, rural local street standards shall apply to new roads constructed in all new residential subdivisions and partitions that: a.) have the potential (via build-out or street connectivity) for no more than 10 parcels/lots total; and/or b.) Have an average potential lot size of more than 10,000 square feet. Standards are illustrated in diagrams in the County TSP and Road Design Standards document:

<table>
<thead>
<tr>
<th>Classification</th>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>a) Shoulder</th>
<th>(1) Parking</th>
<th>Planting strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
<th>Other/ Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Local Residential Option A</td>
<td>60'</td>
<td>22'</td>
<td>Two 11' (paved)</td>
<td>None</td>
<td>3' gravel shoulder both sides</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>One or two 5-10'</td>
</tr>
</tbody>
</table>

12' ditch, one or both sides
1. Public or private roadways designed to serve no more than four parcels shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 30 feet. (See Table 18-2, Rural Local Option “C”. ) At the discretion of the County Engineer or Planning Director, based on input from the Fire Chief, the travel width may be reduced to 16 feet, under certain circumstances.

2. A roadway that has the potential to serve five to 10 parcels, with no further potential for street connectivity, shall have a minimum gravel road surface width of 20 feet and a minimum right-of-way width of 50 feet. (See Table 18-2, Rural Local Option “B”. )

3. Any roadway designed to serve more than 10 parcels, where the average potential lot size is greater than 10,000 square feet, shall be constructed according to the recommended rural local residential street standard of 22’ paved road surface width with a 60’ right-of-way. (See Table 18-2, Rural Local Option “A”. )

4. Turn-arounds, turn-outs, and additional access roads may be required for any of the above Rural Local Road Standards (Table 18-2, Options A-C) and shall comply with the requirements of the County Engineer and with the Fire District’s Fire and Life Safety Requirements.

5. Road right-of-way may be considered part of a parcel’s area for Rural Residential parcels with an average potential lot size of 2 acres or greater.

K. Streets in Planned Unit Developments (PUDs) are not covered by this Ordinance.

L. The Planning Commission or Planning Director may require the developer to create a reserve strip controlling access to and from a street to be placed under the jurisdiction of the County whenever the Planning Commission or Director determines that such a reserve strip is necessary to:

1. Prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.

2. Prevent access to the side of a street on the side of a street where additional width is needed.

3. Prevent access to land abutting the street of the development; or

4. Prevent access to land unsuitable for building developments.
M. Whenever existing streets adjacent to or within a tract have inadequate width, additional right-of-ways may be required.

N. Roads that have the potential to serve more than 4 parcels/lots shall be dedicated to the public.

O. Private roads may be constructed if they serve, or have the potential to serve, no more than four potential parcels/lots and are not intended to provide through access to any other road, at the discretion of the County Engineer.

P. New roads constructed within subdivisions shall be dedicated to the public, and accepted by the Board of Commissioners. New public roads constructed to county road standards within major partitions shall be dedicated to the public via a declaration on the face of the plat, with the signature of the Planning Director on the plat signifying the County’s acceptance.

Q. Vacation of easements for public right-of-way shall be processed according to the procedures defined in ORS 368.326 – 368.426 (County Roads), and ORS 92.234 – 92.245 (Subdivisions and Partitions).

R. Street extensions, conforming to alignment, grade and width requirements shall be provided for access to acreage adjacent to the subdivision. Stub streets which are reserved for future extensions not exceeding one lot in depth shall not be required to have a cul de sac, provided all lots adjacent to such stub streets have adequate frontage on and access to another street.

S. All street names shall be subject to the approval of the Planning Commission or Director. Duplication of street names will not be permitted unless the streets are obviously in alignment.

T. All streets and right-of-ways shall be subject to the approval of the Planning Commission or Director.

U. The creation of streets shall be in conformance with the required standards for an approved subdivision except, the Planning Commission or Director shall approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivision provided any of the following conditions exist:

1. The establishment of the street is initiated by the County Board of Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

2. Creation of a new road, which is proposed outside of the partitioning or subdivision process shall be considered a “Major Partition for Access Only” and shall follow the “Street Design Standards” of the Subdivision Ordinance (Section 18.32), as well as the applicable criteria identified in Sections 18.32(H) and (J). Private residential roads as described in Section 18.32(O) are exempt from this requirement, although the owners with an interest in such roads should still construct them to Fire District standards, obtain access approval from County Public Works, if necessary, and record easements with County Records and Assessment.
Section 18.33 – Drainage and Floodplains

Where land in the subdivision area is or will be periodically subject to accumulations of surface water, including floodplains, or is traversed by any water course, channel, stream or creek, the Commission or Director may require the subdivider to provide for adequate unrestricted drainage by dedicating to the public, drainage easements. On site drainage, including but not limited to drainage tiles may be required for each lot.

Section 18.34 – Public Utility Easements

A. Public Utility Easement, ten feet in total width, shall be approved to accommodate public utility drainage and sanitary structures.

B. Alignment of easement and additional easements for appurtenances to utility lines shall conform to the standards of the public utility company or district providing service to the subdivision.

Section 18.35 – Lot Standards

A. All proposed lots in a subdivision shall not be divided less than the minimum requirements of this Ordinance. The County Health Officer shall recommend lots in excess of zoning regulations when deemed necessary to protect health and safety. The County shall not approve the proposed lots or parcels with less than the minimum area recommended by the Health Officer.

B. When a Planned Unit Development project is proposed, lot standards may be deleted upon approval of the planning Commission or Director.

C. Key, flagpole and butt lots will be kept to a minimum and shall be eliminated where feasible.

D. As far as practicable, lot side lines shall run perpendicular to the street or radial to a curved portion of the street.

E. Where the subdivision will create lots in excess of one half acre, the Commission may require a particular lot line arrangement if in the judgment of the Commission or Director, the lots may be further divided at a later date.

F. The following provisions are applicable to Lands within the City of Hood River's Urban Growth Area:

1. If applicable, subdivision proposals shall show, through use of a plot plan, how proposed lots can be reduced to future Urban Densities (5,000 to 7,000 square feet).

2. The Director shall submit subdivision proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments commensurate with adopted land use, service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

Section 18.36 – Water Supply and Distribution Requirements
Water supply systems shall meet the requirements as to quantity, quality, specifications and standards as to materials and manner of construction of any district having jurisdiction. and the County Health Department and the Department of Public Health. When domestic water will not be used for irrigation purposes, irrigation water to supply the anticipated needs of the subdivision shall be supplied when located in an irrigation district.

2. Section 18.37 – Conformance to Comprehensive Plan

No subdivision or partition of land shall be approved unless the proposal meets the requirements of the applicable Comprehensive Plan.

Section 18.38 – Provision for Parks

The Planning Commission may require that land be set aside for parks and recreation purposes, or for open space. Such dedication shall be in compliance with the Comprehensive Plan.

Section 18.39 – Provisions for Schools

If in the opinion of the Planning Commission, upon the recommendation of the appropriate school district, a school site is needed, the Planning Commission may require the subdivider to reserve land suitable for a school for up to five years.

3. Section 18.40 – Underground Utilities

The Planning Commission shall require that certain utilities be placed underground except high power lines.
**IMPROVEMENTS**

Section 18.41 – Improvement Plans

Prior to commencement of any construction and submittal of the final plat, two copies of improvement plans shall be submitted to and approved by the Director of Public Works. The plan shall include the following:

A. A plan and profile of the proposed roads and streets shall be made to a suitable scale and must show the ground surface line, finish grade surface, rates of grade, vertical curves, elevation of grade points and fifty foot stations. The ditch grade shall be shown by broken lines, and location and flow line elevation of all culverts shall be shown with diameter and length given thereon. The plan and profile shall be submitted to and subject to approval of the Director of Public Works.

B. Detailed drawings and specifications of all public utilities right-of-way and easements, conforming with the standards and specifications of the company or district providing service to the subdivision, shall be submitted to any such agency, company and district for approval thereof. A copy of such approved improvement plan shall be submitted to the Director of Public Works before construction is started.

C. Prior to the approval of the final plat, the subdivider shall sign a statement that he will install improvements subject to the conditions of the tentative plan and improvement plan. The subdivider shall sign a compliance agreement.

Section 18.42 – Drainage and Flood Control

Provisions shall be made to drain surface and storm water from the subdivision on the basis of computation of anticipated 100 year frequency storms for maximum periods of intensity for the entire drainage basin served by the given drainage or flood control system. Drainage structures and ditches shall have sufficient open area to carry the calculated storm water from such drainage areas based on standard engineering principles. Where free fall of water occurs, provisions shall be made to prevent erosion of soil. Natural drainage shall be preserved whenever possible.

Section 18.43 – Regulations Governing Supply of Water; Fire Protection Standards

Prior to the approval of the final plat, the Planning Director shall receive and accept either:

A. Proof of water supply to each lot in accordance with the standards, regulations and specifications of the County Health Department and the Department of Public Health. Fire hydrants, gated connections and appurtenances shall be furnished for fire protection in accordance with the standards of the fire district in which the subdivision is located or the standards of the American Insurance Association, whichever is greater.

If a private water supply is to be used, feasibility information on availability of water shall be supplied.

If the proposed subdivision is located outside the boundary of a water district, the Planning Director may require the developer to construct the supply and system in accordance with the district's requirements with consideration towards ultimate annexation of the subdivision to the water district. Such requirements may be a condition of approval of the
tentative map.

B. Enter into an agreement with the County, including a bond, subject to the requirements of Section 18.51 and Section 18.52.

C. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water source may exist. A copy of any such statement signed by the subdivider and endorsed by the Planning Director, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the Commission in any public report made for the subdivision.

If the making of a public report has been waived, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement; shall immediately send a copy of the receipt to the commission and shall keep any such receipt on file in this State, subject to inspection by the Commission, for a period of three years after the receipt is taken.

Section 18.44 – Sewage Disposal

Sewage disposal improvements will be required for each lot prior to the issuance of any building permit which needs sewage disposal. Improvements shall be subject to the requirements of the County Health Department, the Department of Environmental Quality and any sanitation district (if the proposed development is within the district boundary or is proposed for annexation to a district)

Section 18.45 – Installation of Improvements; Duty of Subdivider

The subdivider shall install all improvements specified on the approved improvement plan, or agree to install such improvements as a condition precedent to the approval and acceptance of the final plat of the subdivision.

If the installation of all improvements is not completed satisfactorily before the final plat is filed, the subdivider shall concurrently with the approval of such plat, enter into an agreement with the Board of Commissioners to have the work completed within the time specified in such agreement. Such agreement shall be secured in an amount to cover the estimated cost of improvements as provided in Section 18.52.

Section 18.46 – Street Improvements

The subdivider shall provide street improvements pursuant to the approved tentative plan and approved improvement plan. No street shall be constructed that does not comply with the approved improvement plan or tentative plan.
SURVEYING AND STAKING

Section 18.47 – Limit of Error

A traverse of the boundaries of the tract and all lots and blocks must close within a limit of error on one in ten (10) thousand.

Section 18.48 – Monument

A. The initial point of all subdivision plats shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be less than 2 inches in diameter and 3 feet long. The monument shall be set or driven 6 inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States Survey.

B. The intersections of all streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe or iron or steel rods. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be less than one inch in diameter and 30 inches long, and if iron or steel rods are used, they shall not be less than 5/8 of an inch in least dimension and 30 inches long.

C. All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe, not less than 1/2 inch in diameter or iron or steel rods, not less than 1/2 inch in least dimension and 2 feet long.

D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within 1/10 of a foot.

E. All monuments for the exterior boundaries of a subdivision shall be marked and such monuments shall be referenced on the plan of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in subsection (2) of ORS 92.070 and if the person subdividing the land furnishes to the governing body of the County or City, by which the subdivision was approved, a bond or cash deposit guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in this Ordinance.

Section 18.49 – Surveyor Affidavit

A. Except as otherwise provided in this section, all plats or diagrams designating the location of land in the County, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he marked a proper monument as provided in CR5 92.060 indicating the initial point of such survey, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks are laid out.

B. If the person subdividing any land has complied with this Ordinance, the surveyor may
prepare the plat pursuant to this Ordinance of the subdivision for recording with only the exterior monuments referenced thereon as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with this Ordinance and referenced on the plat for the subdivision as approved by the City or County.

C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under paragraph “A” of this section, the surveyor performing such work shall within 5 days after completion of such work, notify the person subdividing the land involved, the surveyor or engineer of the County and the governing body of the County.

Section 18.50 – Bond or Cash Deposit for Post Monuments

A. If the interior monuments for a subdivision are to be marked on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in such plat shall furnish, prior to recording the plat, to the governing body of the County a bond or cash deposit, at the option of the governing body, in an amount equal to not more than 120 percent of the estimated cost of performing the work for the interior monumentation.

B. If the person subdividing the lands described in this Ordinance, pays the surveyor for performing the interior monumentation work and notifies the governing body of such payment, the governing body, within three months after such notice, shall release the bond or return the cash deposit upon a finding that such payment has been made. Upon written request from the person subdividing the land, the governing body may pay the surveyor from monies within a cash deposit held by it for such purpose and return the excess of the cash deposit, if any, to such person.

C. In the event of the death, disability or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the failure or refusal of such surveyor to set such monuments, the governing body may direct the County surveyor, in his official capacity, or contract with a surveyor in private practice to set such monuments for recording as provided in this Ordinance.

Section 18.51 – Agreement for Improvements

Before the final plat may be approved, the subdivider shall either:

A. Install required improvements and repair existing streets and other public facilities damaged in the construction of the subdivision; or

B. Execute and file with the Board of County Commissioners an agreement between himself and the County, and specifying the time within which the required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified that the County may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.

Section 18.52 – Improvement Bond

A. The subdivider shall file with the agreement for improvements to assure his full and
faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon.

2. A personal bond co-signed by at least (1) additional person together with evidence of financial responsibility and resources of those signing the bonds sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

3. Cash or certified check.

B. Such assurance of full and faithful performance shall be for a sum determined by information submitted to the County Engineer and/or Planning Department as sufficient to cover the cost of improvements and repairs and all related engineering and incidental expenses which the County may sustain on account of the failure of the owner to carry out and execute all the provisions of the performance agreement.

C. If the subdivider fails to carry out all the provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County can call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the costs and expense incurred by the County, the County shall release the remainder to the rightful claimant. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the subdivider shall be liable to the County for the difference.

Section 18.53 – Maintenance Agreement

Prior to the approval of the final plat, the subdivider may be required to enter into an agreement with the Hood River County Board of Commissioners. The agreement shall specify the method by which improvements shall be maintained. The methods may include, but not be limited to, special assessment districts, homeowners association and bonding agreements.
MAJOR PARTITIONS
(Revised 07/21/03 as part of TSP adoption; HRC Ordinance 249; effective 8/22/03)

GENERAL PURPOSE

Section 18.54 — Purpose of Chapter
This chapter is enacted pursuant and supplementary to ORS 92.010 to 92.160 for the purpose of adopting regulations for the design and improvements of major partitions and minimum lot standards for major partitioning land within the unincorporated territory of Hood River County.

Section 18.55 — Compliance Requirement
A. No person, firm, corporation, partnership or association shall partition land in the unincorporated territory of Hood River County into two or three parcels creating a road without first obtaining approval pursuant to this chapter.

B. The Planning Commission or Planning Department will require that the partition allow for the future development of other parcels that could be created through further partitions of the original property as allowed under the existing zoning. Approval of the plat may require providing for the opening and extension of adjacent streets and utilities to service future partitions of the subject property or adjacent property via such mechanisms as public or private easements, stub streets, or reserve strips.

C. No person, firm, corporation or association shall cause a major partition to be created and no County Official shall accept or approve a major partition unless it complies with the requirements of the Comprehensive Plan and Zoning Ordinance.

Section 18.56 – Applicability of Shadow Platting Requirement
Additional data shall accompany the tentative plan (as per Section 18.60) for major partitions proposed within the Urban Growth Areas of the City of Hood River and the City of Cascade Locks and within designated unincorporated communities.

TENTATIVE PLAN

Section 18.57 — Tentative Plan Submission
A tentative plan for the purpose of a major partition shall be submitted to the Planning Department for action in conformance with these regulations and in compliance with ORS 92.090(2).

Section 18.58 — Form and Contents for a Tentative Plan
A. Every tentative plan shall be drawn to scale and shall conform to the design regulations contained in the Design Requirements section of this Chapter. Every tentative plan shall be clearly and legibly reproduced and shall show the following information:

1. Section, township, range and tax lot.

2. Date, north point and scale.

3. Names, addresses and telephone numbers of the record owners, partitioners, agent, and person(s) who prepared the tentative plan.
4. Location, width of rights-of-way, and names of abutting roads and streets.

5. Location and width of all known easements and other existing rights-of-way on the proposed partition, including water lines, power lines, and power poles.

6. Location, outline, and setback distances of all existing structures to remain on the property or to be removed, and of all structures proposed to be built upon the property.

7. Approximate location of all known areas subject to inundation or storm water overflow and the location, width and direction of all existing and proposed water courses and drainage ways, and any ponds or other natural features.

8. The location, names, width and approximate grades of all streets proposed or existing on the property, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities, including illustrations of how both proposed streets and utilities align with existing or planned streets and public utilities on adjacent properties.

9. The approximate dimensions and area in acres of all lots under a single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division.

10. Topographic detail when percent of slope exceeds 12%.

11. Indicate which streets are intended to be public or private on the plan.

Section 18.59 — Data to Accompany Tentative Map

A. A legal description.

B. Source of water supply.

C. Method of sewage disposal.

D. Information on the source of other public utilities.

E. Proposed drainage and/or flood control measures, if applicable.

F. Existing and proposed uses of the property.

Section 18.60 – Additional Data to Accompany Tentative Map

Within the Urban Growth Areas and designated unincorporated communities, the following additional data shall accompany the applicant’s Tentative Map:

A. A plan for the property shall be drawn, using dashed lines to represent how it would look if partitioned to the fullest extent allowed under the existing zoning. Indicate all future lot patterns, utility line locations and easements, road and/or street locations and right-of-way including major arterials. The following statement shall be included on the tentative plan: “Dashed lines represent
future lots and streets based upon the projected densities and zoning for the area being developed.”

B. A supplemental narrative may be required describing soil conditions, indicating where they are most and least acceptable for sanitary sewer systems.

C. A supplemental narrative may be required describing how the proposed partition will allow for future build-out of the remainder of the property at the maximum density allowed by the existing zoning, including provisions for future street and utility extensions that will align with existing roadways and public facilities.

D. A Future Street Plan (FSP) demonstrating (in the form of site plans, maps or diagrams) that proposed future roadways on the property will align with existing and planned roadways adjacent to the property, including those identified on previously recorded tentative plans or Future Street Plans. The FSP shall provide for the logical extension, continuation, and interconnection of existing and planned streets, and accomplish the following local transportation objectives:

1. Adequately serve local traffic.

2. Provide multi-directional access and circulation.

3. Balance traffic distribution within an area.

4. Minimize impact on natural resources.

5. Provide access points for autos, pedestrians, and bicycles.

E. Identify locations for future pedestrian ways and bike-ways in areas zoned for urban levels of residential development (10,000 square foot lots or less).

F. A statement and demonstration (in the form of site plans, maps or diagrams) that proposed public facilities are aligned with existing and planned public facilities on adjacent properties, including those defined in relevant water, sewer, or stormwater master plans or on any previously recorded tentative plans.

G. Locations of planned public facilities shown in tentative plans are intended to be conceptual. Locations may be adjusted as tentative plans are implemented at the discretion of the County Planning Director.

Section 18.61 — Statement of Water Rights
A. Applicants proposing major partitions on Lands outside the boundaries of an irrigation district, drainage district, water control district or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the partitioned land, the Water Right Statement and a copy of the proposed major partition shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved major partition.

B. Statement of Water Right forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District 3, or the
Oregon Water Resources Department.

Section 18.62 Filing Tentative Plan
A. There shall be filed with the Planning Department six copies of the tentative plan conforming to the requirements of Section 18.59 of this Ordinance.

B. The partitioners shall at the time of filing a tentative plan, pay the appropriate filing fee as required in Section 18.07 of this Ordinance.

C. The time of filing a tentative plan shall be the time at which the plan is accepted by the Planning Department. The Planning Department shall examine such plan and shall not accept it unless it is in full compliance with provisions of law and this Ordinance.

D. Acceptance of the tentative plan does not insure that the map complies with the law or this Ordinance.

Section 18.63 - Distribution of Tentative Plan, Time Limits
A. Upon receipt of the map, the Planning Director shall distribute one copy each to the Advisory Review Committee and such other affected local, state, and federal agencies and individuals.

B. Within 21 days from the receipt of the map by the Planning Department, each member or agency shall prepare a written report to the Planning Director. Such report shall state whether or not the partition conforms to all applicable local, State, Federal regulations which concerns the particular agency or committee and further make such recommendations as is deemed necessary in the public interest.

Section 18.64 — Review by the Planning Director
A. Following receipt of the written reports as prepared pursuant to Section 18.64, the Planning Director shall review the proposed partition and approve, disapprove or conditionally approve. The Planning Director shall render his decision within 25 days from the receipt of the tentative plan. The Planning Director may continue the decision for not more than 25 days to receive additional information. The partitioner shall be notified of such extension.

B. Prior to consideration of approval by the Planning Director, property owners within 600 feet of the subject property, and those within 600 feet of the future potential extension of any road proposed in the tentative plan that eventually would cross adjacent or other properties, shall be notified of the review process and provided with an opportunity to comment on the tentative plan.

C. The Planning Director shall disapprove the tentative plan if any of the following exists:
   1. The proposal does not conform to the Zoning Ordinance or Comprehensive Plan.
   2. The proposed partition is a subdivision as defined in Section 18.04.
   3. The proposed partition does not comply with the law or this Ordinance.

D. If the Planning Director disapproved the plan, the Director shall deliver in writing to the partitioner, a statement of the reasons for disapproval.
E. If the Planning Director approves the tentative plan, final approval, pursuant to Sections 18.66 – 18.70 of this chapter, will be required before any sale.

F. Subsequent to approval of the tentative plan, a note will be added to the plat indicating that a Future Street Plan pertaining to the partition is on file with County Planning.

Section 18.65 - Survey May Be Required
Upon recommendations of the Director of Public Works, the Planning Director may require a survey of the exterior boundaries of any or all of the proposed parcels. Monumentation pursuant to Oregon State law may also be required.

CERTIFICATE OF COMPLIANCE

Section 18.66 - Time Limit to Comply With Conditions
Within four (4) years from the approval of the tentative plan, the partitioner shall comply with the tentative plan conditions, and the requirements of ORS 92.010 through ORS 92.160. The partitioner may bond for any or all improvements required by ordinance or conditions pursuant to Section 18.52 of the ordinance. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance. Failure to record a final plat within the initial or extended approval period shall cause the permit to expire.²

Section 18.67 — Recordation of Certificates of Compliance
A. Providing the requirements of Section 18.66 have been met, the Planning Director shall sign a Certificate of Compliance.

B. If the requirements of Section 18.66 have not been met, the Planning Director shall inform the partitioner in writing that the tentative plan approval has expired.

C. Within three working days from the signing of the Certificate of Compliance, the Planning Director shall submit the Certificate to the Department of Records and Assessments for recordation. Appropriate recordation fees shall be supplied by the partitioner prior to recordation.

Section 18.68 — Recording Statement of Water Rights
The Statement of Water Rights and the acknowledgement must be recorded along with the County approved major partition.

Section 18.69 — Form and Contents of Certificate of Compliance
A. The size of sheet or sheets shall be eight and one-half inches by fourteen inches.

B. The following certificates shall be included on the face of the Certificate of Compliance:

1. A certificate signed and acknowledged by all parties having any record title interest in the land being subdivided, consenting to the recordation of the Certificate of Compliance.

2. A certificate for execution acknowledged as above, offering certain parcels of land for dedication for certain specified public use, subject to reservations as may be contained in any such offer.

3. If a survey is required, a certificate by a licensed surveyor responsible for the survey and

² Section 18.66 was amended via Ordinance #372 on June 21, 2021
legal description on the Certificate of Compliance. The signature of such licensed surveyor must be recognized by his seal or stamp.

4. A certificate for execution by the Planning Director.

5. A tax certificate.

6. A certificate for execution by the County Recorder.

Section 18.70 — Official Not to Execute Certificate, etc., If He Has Interest in Subdivision
When any provision of Oregon State Law or of this chapter requires the execution of any certificates or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefore and designated so to act by the Board of Commissioners. The engineer or surveyor preparing the survey or legal description shall be exempted.

DESIGN REQUIREMENTS FOR MAJOR PARTITION

Section 18.71 — Requirements for Farm Use or Mineral Excavation Partition
If the proposed partition is created for farm use or mineral excavation purposes, the Design Requirements for Major Partition Section shall not apply.

Section 18.72 — Streets
The standards enumerated in Section 18.32 for street standards in subdivisions shall apply to major partitions unless otherwise specified in this section and as required by the Director.

Section 18.73 — Drainage
Where the land in the proposed partition is subject periodically to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Planning Director may require a building setback from these areas or enlargement of lots.

Section 18.74 — Public Utility Easements
The standards enumerated in Section 18.34 for Public Utility Easements in subdivisions, shall apply to major partitions.

Section 18.75 — Lot Standards
A. Lot standards for major partitions shall be the same as those enumerated for subdivisions found in Section 18.35.

B. The following provisions are applicable to lands within the City of Hood River's Urban Growth Area:
   1. If applicable, a major partition proposal shall show through use of a plot plan how proposed parcels can be reduced to future Urban Densities (5,000 to 7,000 square feet).

   2. The Director shall submit major partition proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments commensurate with adopted land use and service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).
Section 18.76 — Water Supply and Distribution Requirements
Water supply and distribution design requirements for major partitions shall be the same as those enumerated for subdivisions found in Section 18.36.

Section 18.77 — Conformance to Comprehensive Plan
No partition of land shall be approved unless the proposal meets the requirements of the applicable Comprehensive Plan.

IMPROVEMENTS FOR PARTITIONS

Section 18.78 – Requirements for Farm Use or Mineral Excavation Partition
A. If the partition is for farm use or mineral excavation, the improvement requirements of this section shall not apply.
B. In lieu of completing improvements prior to the approval of the Certificate of Compliance, the Planning Director may require that improvements be completed prior to the occupancy of any structure requiring a building permit.

Section 18.79 — Street Improvements
Prior to approval of the Certificate of Compliance, the partitioner shall complete or bond for street improvements, pursuant to the standards established in Section 18.32 and improvements listed in Section 18.46 of this Ordinance; or street improvement plans pursuant to Section 18.41 shall be submitted to the Director of Public Works prior to the commencement of any construction.

Section 18.80 - Drainage and Flood Control
Adequate measures enumerated in Section 18.42 shall be met for any partition prior to the approval of the final plat.

Section 18.81 - Compliance Agreement
Prior to the approval of the Certificate of compliance, the partitioner shall sign a statement that he will install improvements subject to the tentative plan and improvement plan.

SURVEYING AND STAKING, BONDING

Section 18.82 - Survey
If a survey is required for a major partition pursuant to Section 18.64, the requirements of Section 18.47, 18.48, 18.49 and 18.50 will apply.

Section 18.83 - Agreement for Improvements
Before the Certificate of Compliance is approved, the partitioner shall either:
A. Install the improvements; or
B. The Director shall require the applicant sign a contract within 30 days after conditional approval is granted, provided, however, that the Director may grant reasonable time extensions. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no partition application shall be approved until the executed contract is recorded in Hood River County. Such contract shall not restrict the power of subsequent

Article 18 – Major Partitions - 7
administrative actions with or without conditions. Such contract shall be enforceable against the signing parties, by Hood River County by appropriate action for the benefit of the public health, safety and welfare. A bond in the form acceptable to the Director or upon appeal or review by the Commission or Board, or a cash deposit from the property owner or contract purchasers in such an amount as will assure compliance with the conditions imposed, may be required. Such bond or deposit shall be recorded in Hood River County. Failure to fulfill conditions of approval within time limitations may be grounds for revocation by the Director.

C. Execute and file with the Board of Commissioners an agreement establishing or annexing to a special assessment district or homeowners association, which shall be responsible for all construction and maintenance of improvements.

EXCEPTIONS

Section 18.84 — Exceptions
Whenever land involved in a subdivision or partition is of such size or shape or is subject to such title limitation of record, or is affected by such topographical variation or is subject to such regulation by this Ordinance, that it is impractical to conform to the strict application of the Subdivision Ordinance, the owner or his authorized agent may make application to the Planning Director. The Planning Director may at the time of review of the tentative plan, approve the exception, providing such an exception conforms to the general spirit of this Ordinance. The Board of Commissioners shall be notified in writing within 15 days of the exception permitted by the Planning Director.
MINOR PARTITIONS

GENERAL PURPOSES

Section 18.85 – Purpose of Chapter

This chapter is enacted pursuant and supplementary to ORS 92.010 to 92.160 for the purpose of adopting regulations for minor partitions within the unincorporated territory of Hood River County.

Section 18.86 – Compliance Requirement

A. No person, firm, corporation, partnership or association shall create a minor partition in the unincorporated territory of Hood River County without first obtaining approval pursuant to this chapter.

B. No person, firm, corporation, partnership or association shall cause a minor partition to be created and no County Official shall accept or approve a partition unless it complies with the requirements of the Comprehensive Plan and Zoning Ordinance.

C. The provision of this chapter shall not apply to parcels legally established by recorded instrument prior to the effective date of this Ordinance.

APPROVAL REQUIREMENTS

Section 18.87 – Submittal of Legal Descriptions and Site Sketch

A. Applicants proposing minor partitions on lands outside the boundaries of an irrigation district, drainage district, water control district or district improvement company, must file a Statement of Water Rights. If a water right is appurtenant to the partitioned land, the Water Rights Statement and a copy of the proposed minor partition shall be submitted to the Oregon Water Resources Department for acknowledgement. The Statement of Water Rights and the acknowledgement must be recorded with the County approved minor partition.

B. Statement of Water Rights forms are available from the following agencies or individuals: The Hood River County Planning Department, Hood River County Water Master, District (3) or the Oregon Water Resources Department.

C. Prior to the recordation of any sale or creation of a minor partition, the partitioner shall prepare a legal description of the partition and a sketch showing the proposed parcels and their location. The legal description and sketch shall be submitted to the Planning Director.

D. Within three working days, the Planning Director or his authorized agent shall either:

1. Certify that the proposed minor partition conforms with the Comprehensive Plan and Zoning Ordinance, and that the partition is a minor partition. Said certification shall be recorded by the Planning Director in the Department of Records and Assessments.

2. Notify the partitioner that:
a. The proposal does not conform to the Zoning Ordinance or Comprehensive Plan.

b. The proposed partition is a subdivision as defined in Section 18.04.

c. The proposed partition is a major partition.

E. As a condition of approval, additional footage abutting an existing dedicated road or County road may be required.

F. No sale or recordation of a minor partition or the creation of a minor partition shall be made without complying with this section.

LOT STANDARDS (UGA/CITY OF HOOD RIVER)

Section 18.88 – Lot Standards

The following provisions are applicable to lands within the City of Hood River's Urban Growth Area.

A. If applicable, minor partition proposals shall show through use of a plot plan how proposed parcels can be reduced to future Urban Densities (5,000 to 7,000 square feet).

B. The Director shall submit minor partition proposals to the City Engineer, County Engineer and County Sanitarian for review and comment. Based upon their affirmative comments based upon adopted service and facility plans, the Director can require the siting of buildings so as to facilitate future redivision(s).

AGREEMENT FOR IMPROVEMENTS

Section 18.89 – Agreement for Improvements

Compliance, if applicable, with requirements in Section 18.83 - Agreement for Improvements.

APPROVAL TIMELINES

Section 18.90 – Time Limit to Comply with Conditions (Minor Partitions)

Within four (4) years from the approval of the tentative plan, the partitioner shall comply with the tentative plan conditions, and the requirements of ORS 92.010 through ORS 92.160. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance. Failure to record a final plat within the initial or extended approval period shall cause the permit to expire.³

³ Section 18.90 was added via Ordinance #372 on June 21, 2021
PROPERTY LINE ADJUSTMENTS

(Adopted: July 15, 2002) HRC Ordinance #241
(Effective: August 14, 2002)

A property line adjustment is a ministerial action to relocate a common property line(s) between at least two lawfully established lots or parcels, where no new lots or parcels are created. The submission requirements and approval process and criteria are as follows:

Section 18.90 – Definitions. The following definitions shall be used in implementing this and other portions of the County Zoning Ordinance:

A. Lot: A single unit of land that is created by a subdivision of land.
B. Parcel: A single unit of land that is created:
   1. By partitioning, as defined in ORS 92.010;
   2. In compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or
   3. By deed or land sales contract, if recorded prior to January 1, 1976.
C. Ministerial Action: A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon’s quasi-judicial process.
D. Non-Ministerial Action: A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an “administrative action” or “land use decision,” as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedure outlined in Article 72 (Director’s Review Procedures).
E. Nonconforming Lot or Parcel: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.
F. Original Lot or Parcel: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

Section 18.91 – Submission Requirements. An applicant for a property line adjustment shall
submit:

A. A completed application, signed by all property owners, on a form provided by the County Planning Department;

B. Proof of fee ownership in the subject parcel. (When one or more of the property owners is a contract purchaser, they must obtain written consent from the legal property owner(s) prior to making application for property line adjustment.)

C. A preliminary site plan that is drawn to scale and that contains, at minimum, the following information: all existing and proposed property lines and dimensions; footprints and dimensions of existing structures (including accessory structures); distance from existing buildings to proposed property lines; location and dimensions of driveways and public and private streets within or abutting the subject parcels; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with the County Zoning Ordinance;

D. A signed statement explaining the purpose of the proposed property line adjustment; and

E. Payment of application fee. (Per Planning Department approved fee schedule)

Section 18.92 – Approval Process.

A. Except as otherwise allowed in Section 18.93(C)(1) and 18.93(D) below, property line adjustments shall be reviewed by means of a ministerial action using approval criteria contained in Section 18.93, below.

B. The approval for a property line adjustment shall be effective for a period of four (4) years. An extension of time may be allowed subject to the provisions of Section 1.130(B) of the Ordinance. Within this time frame, all required conditions of the decision shall be completed.  

C. The property line adjustment approval shall become void if one of following occurs:

4 Section 18.92 was amended via Ordinance #372 on June 21, 2021
1. The property line adjustment is not recorded within the time limit in Section 18.92(B) above;
2. The property line adjustment has been improperly recorded with the County without the satisfactory completion of all requirements associated with the approval; or
3. The final property line adjustment configuration is not the same configuration that was approved, unless the change was approved by the Planning Director as a minor amendment in accordance with Section 18.96, below.

Section 18.93 – Approval Criteria. A request for a property line adjustment shall be approved by the Planning Director if the following applicable criteria are met:

A. The proposed property line adjustment will not result in the creation of any new lot(s) or parcel(s).

B. A lot or parcel that currently conforms to the minimum lot size and dimensional requirements of the zone in which the lot or parcel is located shall not become nonconforming as a result of the property line adjustment.

C. Except in zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved if the following exist:

1. The existing nonconforming lot(s) or parcel(s) is reduced by no more than 10 percent of the size of the original lot or parcel, as defined in Section 18.90(F), above. A request to reduce an existing nonconforming lot(s) or parcel(s) by more than 10 percent may be allowed by the Planning Director as a non-ministerial property line adjustment if deemed consistent with applicable requirements of Article 72 (Planning Director’s Review Procedure) and the other applicable criteria from Section 18.93; and

2. If the nonconforming lot(s) or parcel(s) contains an existing dwelling, evidence shall be provided that at least one of the following exists:
   a. The lot(s) or parcel(s) is located within the boundaries of a public sewer system;
   b. Evidence is provided from the County Environmental Health Department
or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system; or

C. The size of the proposed lot(s) or parcel(s) is greater than 5 acres.

D. In zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved as a non-ministerial property line adjustment, if deemed consistent with applicable requirements of Article 72 (Planning Director’s Review Procedure), the other applicable criteria from Section 18.93, and the following:

1. The lot(s) or parcel(s) is located within the boundaries of a public sewer system; or
2. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system.

E. A property line adjustment or series of property line adjustments that would enlarge an existing nonconforming lot(s) or parcel(s) in the Exclusive Farm Use, Forest, or Primary Forest zones is not allowed unless one of the following conditions exist:

1. The parcel to be enlarged is currently enrolled in a farm or forest deferral program and the reason for the adjustment is to accommodate the expansion of their existing farm or forest operation;
2. The property to be acquired comes from a lot or parcel that is not enrolled in a farm or forest deferral program and is able to comply with the requirements of Section 18.93(C)(2), above;
3. The purpose of the adjustment is to allow the expansion of an existing farm related business, such as a cold storage facility, when demonstrated that the adjustment is the minimum necessary to accommodate the expansion;
4. The purpose of the adjustment is to correct a minor property discrepancy;
5. Limitations exist, such as setbacks, buffers, roads, rivers, canals, steep terrain, etc., that would restrict the reasonable access and/or use of the adjusted property by the current property owner; or

6. The enlargement would cause the nonconforming parcel to increase to 20 acres or more.

F. On land zoned Exclusive Farm Use, Forest, or Primary Forest, a property line adjustment may not be used to:

1. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

2. Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

3. Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard; or

4. Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lawfully established unit of land affected by the property line adjustment is larger than:

   a. Two acres if the lawfully established unit of land is, before the adjustment, two acres in size or smaller and is high-value farmland, high-value forestland or within a ground water restricted area; or
   b. Five acres if the lawfully established unit of land is, before the adjustment, five acres in size or smaller and is not high-value farmland, high-value forestland or within a ground water restricted area.

G. Adjusted property lines may cross zone boundaries unless the adjustment will increase the number of lots or parcels which could potentially be created by the density requirements
of the base zones. Furthermore, a property line adjustment shall not be used in combination with a zone boundary adjustment as a mechanism to enlarge existing zone boundaries.

H. The proposal shall not cause any existing development to be placed in violation of the property development standards (setbacks, buffer requirements, etc.) of the zone or force a violation of the County Zoning Ordinance.

I. The property line adjustment or series of property line adjustments shall not have the net result of physically relocating a lot or parcel to a completely new location beyond an existing common boundary line.

J. The property line adjustment shall not cause a lot or parcel to lose its required frontage along a dedicated road right-of-way or other legal access route, unless a new form of legal access is created in its place. The creation of new or replacement legal access will require compliance with the minimum right-of-way width and improvement requirements of the County Road Standards, Transportation System Plan or those regulated by the local Fire District, whichever are greater.

Section 18.94 – Recording Property Line Adjustments. Final property line adjustment approval shall occur when the following actions are successfully completed, as determined by the County Planning Director. The recording process shall occur in the following sequence:

A. Prior to final property line adjustment approval:
   1. The applicant shall have the common boundary line(s) surveyed and monumented, in accordance with ORS 92.060(3), and a survey map filed, in accordance with ORS 209.250, with the County Surveyor. Pursuant to ORS 92.060(8), if all property affected by the property line adjustment is greater or becomes greater than ten (10) acres, the requirement of a survey, monumentation, and map shall be waived.
   2. The applicant shall record metes and bounds descriptions of the property line adjustment, deeds, and other information (as further described below) with the County Department of Records and Assessment.
      a. If the proposed property line adjustment involves two or more parcels in the same legal ownership, the applicant/owner shall record with the County Department of Records and Assessment a new metes and bounds legal description for each adjusted parcel, the original PLA application form
(available at the Planning Department), and the original Planning Department approval letter; or

b. If the proposed property line adjustment involves two or more parcels in different legal ownership, the applicant/owner shall record a deed with the County Department of Records and Assessment with a metes and bounds description of those portions of property being transferred between the affected property owners. In this instance, the deed is the mechanism to transfer property between owners.

B. Upon recording the information required as part of Section 18.94(A) above, the applicant/owner shall file a “cancel and combine” statement with the County Department of Records and Assessment to combine the transferred property with the new parent parcel.

Should the County Department of Records and Assessment be unable to combine the affected properties due to mapping constraints, the owner shall record a “Deed Declaration” statement (forms available at the Planning Department). Recording of this statement will require an additional metes and bounds description to be prepared, that describes the transferred property and the new parent parcel together as a single unit of land. The purpose of recording a Deed Declaration statement is to ensure that future owners understand that portions of their property may not be sold separately (regardless of their tax lot status), unless in compliance with applicable requirements of the Hood River County Zoning Ordinance and Oregon Revised Statute, Chapter 92.

Section 18.95 – Extensions.
See Section 18.92(B) above.5

Section 18.96 – Minor Amendments.
A. A minor amendment may be approved as a ministerial action by the County Planning Director if it involves the minor adjustment of one or more of the property lines previously approved for adjustment and if it conforms with the approval criteria from Section 18.93, above.

5 Section 18.95 was amended via Ordinance #372 on June 21, 2021
ARTICLE 19 – ACCESS MANAGEMENT STANDARDS
(Adopted 07-21-03 as part of TSP, effective 8-22-03)

Section 19.10 – Access Management

A. The following access management standards shall apply:

1. For state highways, access management standards are regulated by the current Oregon Highway Plan (OHP). The spacing of highway access points is regulated according to the category of highway, posted highway speed, and urban vs. rural location. The standards applying to Hood River County are outlined in the OHP and Oregon Administrative Rules (OAR), Division 51.

2. For arterial, collector and local roads that are not designated as state highways, the following standards shall apply:
   a. Within the Urban Growth Area of Hood River, access management standards of the City of Hood River shall apply as described in the City of Hood River’s Transportation System Plan.
   b. Within the Urban Growth Area of Cascade Locks, access management standards of the City of Cascade Locks shall apply as described in the City of Cascade Locks’ Transportation System Plan.
   c. Within all other areas of the County, the following standards and policies shall apply:
      i. New development shall accommodate on-site traffic circulation needs on the site and not by circulating on and off the site through multiple access points using the public road system.
      ii. Construction of new private driveways onto roads under County jurisdiction will be allowed only upon approval of a road approach permit.
      iii. Spacing of new access points onto roads under County jurisdiction shall comply with spacing standards and policies in this section.

Table 19-1
Spacing Standards for New Accesses.

<table>
<thead>
<tr>
<th>Classification of Intersecting Road</th>
<th>Minimum Spacing Between Public Roads</th>
<th>Minimum Spacing Between Private Driveways</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector</td>
<td>300 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Local</td>
<td>150 feet</td>
<td>50 feet from Public Road</td>
</tr>
</tbody>
</table>

iv. Spacing standards shall be measured from center-line to center-line of roads and driveways on the same side of the roadway.

v. Any two public roads intersecting on a given road shall have a continuous centerline or be separated by one hundred and fifty feet minimum.
vi. Access will be allowed to a property at less than the designated spacing standard only if that property does not have reasonable alternative access and the designated spacing cannot be accomplished. When sufficient frontage is unavailable to meet spacing standards, reasonable alternative access will be provided with the following restrictions:

1. If possible, joint access should be considered;
2. Not more than one access point will be permitted;
3. For corner lots, access shall be limited to the intersecting side street with the lowest expected traffic volume. If traffic volume is the same or undetermined for either road, access shall be taken from the road with the lower functional classification.

vii. Approach roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations at areas of restricted sight distance or at points which interfere with the placement and proper functioning of signs, guardrail, or other traffic control devices will not be permitted.

viii. Site plans for new development shall show access locations to be retained, relocated, added or closed on the subject property, and on adjacent properties as necessary to assure conformance with spacing standards. Dimensions between driveways shall be shown to scale and labeled on the site plan.

ix. If either safety or environmental factors, or the unavailability of a distance between access points requires placing access points at lesser intervals, then access shall be denied or the best alternative placement shall be chosen. On road segments that are already severely impacted by numerous access points, adherence to the above standards may be either unreasonable or counter-productive to infill. In such cases, these standards may be relaxed by the County Engineer to accommodate the afore-mentioned special conditions.

B. Access management standards will be applied as new development occurs and to existing developments and accesses under the following conditions:

1. A change in zoning or request for new access is proposed;
2. A safety or capacity deficiency is identified requiring specific mitigation;
3. A specific access management strategy or plan is developed; or
4. A major construction project is begun on the road.
ARTICLE 21 – COMMERCIAL (C-1) ZONE

Section 21.10 - Uses Permitted
In a C-1 Zone, the following uses and their accessory uses are permitted outright:

A. A single family, a duplex, or a multifamily dwelling.

B. Retail trade establishment.

C. Commercial and professional service establishments unless otherwise listed.

D. All uses listed as Conditional Uses in the R-1 Zone.

E. Signs identifying a conditional use located on the same lot or parcel as the use and not exceeding 32 square feet in area.

F. A manufactured home or recreational vehicle required for security personnel in conjunction with a permitted commercial use, or as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

G. Communication facilities and towers, subject to Article 74.

H. Short-term rentals, subject to Article 53.

I. Marijuana retailing, subject to Article 53.

J. Psilocybin service center, subject to Article 53.

Section 21.20 - Conditional Uses Permitted
In the C-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

A. Animal hospital.

B. Recreational vehicle park. Manufactured dwelling parks shall comply with applicable provisions in Article 16.

C. Temporary hardship dwelling, subject to the following:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
Article 21 – Commercial (C-1) Zone

a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;

b. The applicant shall renew the permit authorizing the use every two-years for it to remain valid. Upon review, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;

c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and

d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.

2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:

a. Justification that the relative with the hardship is no employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.

b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.

3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.

4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

D. Communication facilities and towers, subject to Article 74.

Section 21.30 - Limitations on Use
In a C-1 Zone, the following conditions shall apply:

A. All business, service, repair, processing, storage and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.
Article 21 – Commercial (C-1) Zone

B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.

C. Light from a sign shall be directed away from a lot in a farm or residential zone.

D. Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an R-1 zone.

E. Article 50: Buffer requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

Section 21.40 - Lot Coverage Requirements
In the C-1 Zone buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

Section 21.50 - Setback Requirements
In the C-1 Zone, setbacks shall be as follows:

A. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20-feet, whichever is greater.

B. No building shall be constructed closer than 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.

C. Vision clearance: Minimum 35-feet.

Section 21.60 - Site Design Standards
Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Comprehensive Plan or zone change to C-1. At the time of new development, or change of use, the applicant shall demonstrate:

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.
Article 21 – Commercial (C-1) Zone

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 21.65 – Street Design Standards

A. The following street design standards for Urban Commercial/Industrial Roads only apply outside of the Urban Growth Areas and shall apply to new streets built within the C-1, M-1 and M-2 zones for new developments with a proposed or potential average lot size of one-half acre or less:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Bike Lanes</th>
<th>Parking strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’–70’</td>
<td>30’– 42’*</td>
<td>Two 11’ 12’ min., if needed.</td>
<td>None</td>
<td>8’ one or both sides</td>
<td>See note 2</td>
<td>Two 6’-8’</td>
<td>One or two 5’-10’</td>
</tr>
</tbody>
</table>

1. 42’ with center turn lane
2. 4’- 6’ wide planting strip, or tree wells with 8 foot sidewalk
* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the C-1, M-1, and M-2 zones for new developments outside the Urban Growth Areas with a proposed or potential average lot size of more than one-half acre:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Shoulder</th>
<th>Parking strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’-68’</td>
<td>32’- 40’</td>
<td>Two 12’</td>
<td>None</td>
<td>None</td>
<td>8’ one or both sides</td>
<td>None</td>
<td>One or two 5’-10’</td>
</tr>
</tbody>
</table>

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 21.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of this Ordinance.
ARTICLE 22 – RURAL CENTER (RC) ZONE

Section 22.10 - Purpose and Intent
The RC Zone is intended to maintain rural communities as rural service centers. Uses will provide limited housing, business, cultural, and governmental services to the surrounding area without creating land use or traffic conflicts.

Section 22.20 - Permitted Uses

A. In a RC Zone, pre-existing commercial and residential uses shall be considered conforming uses. If an existing business or dwelling wishes to enlarge, it may do so without being subject to a Conditional Use Permit, with the following size limitations:

1. A limitation of 3,000 square feet of total building area shall apply to all non-farm buildings outside the unincorporated communities of Oak Grove and Rockford.

2. A limitation of 4,000 square feet of total building area shall apply for commercial uses within the unincorporated communities of Oak Grove and Rockford. A limitation of 3,000 square feet of total building area shall apply to non-farm and non-commercial buildings within the unincorporated communities of Oak Grove and Rockford. The total amount of building space for commercial and non-commercial non-farm uses shall not exceed 4,000 square feet.

B. Pre-existing community buildings and public facilities, such as fire stations, granges, and parks.

C. Short-term rentals, subject to Article 53.

Section 22.30 – Permitted Subject to Standards
Pursuant to the following standards, farm stands may be permitted subject to a Type II administrative review:

A. Adequate off-street parking will be provided subject to provisions of Article 51 – Off Street Parking and Loading.

B. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

C. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
Article 22 – Rural Center (RC) Zone

D. No farm stand building or parking is permitted within the right-of-way.

E. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.

F. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).

G. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.

H. Only two (2) signs (including both on and off premise signs) are permitted not to exceed a cumulative size of 24 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs shall be approved by affected property owners.

I. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-spillover onto adjacent properties, roads and highways.

J. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.

K. Compliance with the development standards of the Rural Center Zone.

Section 22.40 - Conditional Uses Permitted

A. Any new or change in use of a pre-existing structure shall be subject to a Conditional Use Permit. Such permit shall be granted by the Planning Director if the conditions outlined in Sections 22.50 and 22.60 are met.

B. In the unincorporated communities of Oak Grove and Rockford, the uses permitted outright or conditionally in the RUC-1 Zone may be applied for as a conditional use, with the exception that hotels and motels are not allowed in the unincorporated communities of Oak Grove and Rockford.

C. Bed & Breakfast Facilities, subject to Article 56.

D. Psilocybin service center, subject to Article 53.

Section 22.50 - Conditional Use Criteria
The Planning Director may grant a Conditional Use Permit for uses described in Section 22.40 if
Article 22 – Rural Center (RC) Zone

each of the below criteria is met, as determined by the Director:

A. The use will primarily serve the rural population in the immediate surrounding area. This criteria is not applicable within the unincorporated communities of Oak Grove and Rockford.

B. The use will not discharge smoke, fumes, noise, sewage or other nuisances beyond the property on which it is located. Discharges solely attributed to highway vehicle traffic are excluded. The use shall comply with all Limitations of Use and Dimensional Standards applicable to this zone.

Section 22.60 - Limitations of Use
In a Rural Center Zone, the following conditions shall apply:

A. Use Standards:

1. All non-farm commercial uses and operations in a Rural Center Zone shall be predominantly retail or service establishments serving the rural population of the immediate surrounding area. This criterion is not applicable to the unincorporated communities of Oak Grove and Rockford.

2. All non-residential, non-farm uses on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

3. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.

4. Any non-farm use and operations, which cause nuisance due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or other similar causes, shall be prohibited. In addition, light from a sign shall be directed away from a lot in a farm or residential zone.

B. Lighting: All exterior lighting shall be hooded and directed away from adjoining zones.

C. Parking:

1. Site plan submitted with an application for a land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns and ingress
Article 22 – Rural Center (RC) Zone

and egress provisions, consistent with the provisions of Article 51 (“Off Street Parking and Loading”) of this Ordinance.

2. A change of use requiring a conditional use permit shall follow this Ordinance for required number of parking spaces.

3. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided, as determined by the Planning Director.

D. Signs: In a Rural Center Zone, all new signs must meet the following conditions:

1. Any exterior sign displayed shall pertain only to the use conducted within the building.

2. In no case shall any sign extend above the roofline of the building.

Section 22.70 - Dimensional Standards

A. Article 50: Buffer Requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

B. Maximum height: 35-feet.

C. Setback Requirements:

1. No commercial building shall be closer than a distance equal to the height of the building, or 20-feet, whichever is greater.

2. All other buildings shall be setback at least 10-feet from side property lines and 20-feet from rear property lines.

3. No building shall be constructed closer than 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is great.


D. Maximum Floor Area:

1. In the unincorporated communities of Oak Grove and Rockford, the maximum floor area
Article 22 – Rural Center (RC) Zone

for commercial buildings shall be 4,000 square feet.

2. In the unincorporated communities of Oak Grove and Rockford, the maximum floor area of a non-commercial main building and its accessory buildings exclusive of off-street parking, shall not exceed three thousand (3,000) square feet except uses allowed either outright or conditionally in an Exclusive Farm Use Zone, which may be larger.

3. Outside the unincorporated communities of Oak Grove and Rockford, the maximum floor area of a main building and its accessory buildings exclusive of off-street parking, shall not exceed three thousand (3,000) square feet except uses allowed either outright or conditionally in an Exclusive Farm Use Zone, which may be larger.

E. Minimum Lot Size:

1. Outside the Oak Grove and Rockford Unincorporated Communities, the minimum lot size shall be one-half acre.

2. Within the Oak Grove and Rockford Unincorporated Communities the minimum lot size shall be one acre. A successful site evaluation and septic system review by the County Environmental Health Department will be required for new commercial uses in these communities. Lot sizes of larger than one acre may be required if the site evaluation determines that a one-acre lot size would endanger local water quality.
ARTICLE 25 – RURAL UNINCORPORATED COMMUNITY COMMERCIAL ZONE (RUC-1)

Section 25.05 – Purpose and Intent

This section is adopted to implement the policies of the Comprehensive Plan for rural unincorporated communities. These provisions accommodate local shopping needs, recognize and protect the historic character of rural centers and rural communities while preserving and protecting the agricultural or forestry character of the surrounding areas.

Section 25.10 - Uses Permitted

In a RUC-1 zone, the following uses and their accessory uses are permitted outright:

A. Retail trade establishment.

B. Commercial and professional service establishments unless otherwise listed.

C. Single family, two family, or multi-family dwellings.

D. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

E. Motels and hotels, up to 35 units, if served by a community sewer system.

F. Service and retail uses serving the farm and forest industries, including but not limited to feed stores, logging equipment sales and service, and farm implement dealers, unless otherwise listed.

G. Airport

H. Cemetery including mausoleum, crematorium, columbarium

I. Church

J. Community club building

K. Public building or use such as a park or fire station

L. School – nursery, primary, elementary, high
Article 25 – Rural Unincorporated Community Commercial Zone

M. Home occupation

N. Health services

O. Funeral service and crematories

P. Eating and drinking places

Q. General merchandise

R. Grocery Stores

S. Automobile repair and services

T. Second hand stores

U. Collocation of antennas and wireless telecommunication facilities, subject to Article 74.

V. Short-term rentals, subject to Article 53.

W. Psilocybin service center, subject to Article 53.

Section 25.20 - Conditional Uses Permitted

In the RUC-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

A. Animal hospital.

B. Trailer park. Mobile home parks shall comply with applicable provisions in Article 16.

C. Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.

Section 25.30 - Limitations on Use

In a RUC-1 zone, the following conditions shall apply:

A. All business, service, repair, processing, storage, and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with
Article 25 – Rural Unincorporated Community Commercial Zone

residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.

C. Light from a sign shall be directed away from a lot in a farm or residential zone.

D. Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an R-2 zone.

Section 25.35 – Building Size

A. Existing Buildings. Uses listed in Section 25.10 and 25.20 may be established in buildings of any size that existed on October 28, 1994. Commercial uses that existed on October 28, 1994 shall be deemed to comply with this section (i.e., not nonconforming on the basis of size) regardless of building size.

B. Expansion of existing buildings. Buildings in the RUC-1 zone that existed on October 28, 1994 may be expanded as follows:

1. For uses listed in Section 25.10, after expansion no use shall occupy a building or buildings exceeding 4,000 square feet of floor space, or up to 20% greater than their original size, whichever is greater, except as identified in lines 2. and 3. below. Only one expansion of an existing use will be allowed if the resulting total area exceeds 4,000 sq. ft of floor space.

2. For uses listed in Sections 25.20 and 25.10 C. through O., no building size limitation applies in the Parkdale and Windmaster Corner Unincorporated Communities.

3. For uses listed in Section 25.10 Q. through T., a maximum size limitation of 8,000 sq. ft. of floor space, or up to 20% greater than their original size, whichever is greater, applies in the Parkdale Unincorporated Community, based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area. If the expansion results in a total building area greater than 8,000 sq. ft. of floor space, no further expansion will be allowed.

4. For uses listed in Section 25.10 R. and S., a maximum size limitation of 8,000 sq. ft. of floor space, or up to 20% greater than their original size, whichever is greater, applies in
Article 25 – Rural Unincorporated Community Commercial Zone

the Windmaster Corner Unincorporated Community, based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area. If the expansion results in a total building area greater than 8,000 sq. ft. of floor space, no further expansion will be allowed.

C. New Buildings. Any new building constructed in the RUC-1 zone shall comply with the following standards.

1. For uses listed in Section 25.10, no use shall occupy a building or buildings exceeding 4,000 square feet except as identified in lines 2. and 3. below.

2. For uses listed in Sections 25.20 and 25.10 C. through O., no building size limitation applies in the Parkdale and Windmaster Corner Unincorporated Communities.

3. For uses listed in Section 25.10 S. through T., a maximum size limitation of 8,000 sq. ft. of floor space applies in the Parkdale Unincorporated Community based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area.

Section 25.40 - Lot Coverage Requirements
In the RUC-1 zone, buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

Section 25.50 - Setback Requirements
In the RUC-1 zone, setbacks shall be as follows:

A. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20 feet, whichever is greater.

B. No building shall be constructed closer to the centerline of a street than 50 feet.

C. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 25.60 – Site Design Standards
At the time of new development, or change of use, the applicant shall demonstrate:

1. Locational Criteria are listed in the County Policy Document under Goal 9 - Economy of the State.
Article 25 – Rural Unincorporated Community Commercial Zone

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 25.65 – Street Design Standards

A. The following street design standards shall apply to new streets built within this zone for new developments with a proposed or potential average lot size of one-half acre or less:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Bike Lanes</th>
<th>Parking</th>
<th>Planting strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’–70’</td>
<td>30’– 42’</td>
<td>Two 11’</td>
<td>12’ min., if needed.</td>
<td>None</td>
<td>8’ one or both sides</td>
<td>See note 2</td>
<td>Two 6’-8’</td>
<td>One or two 5’-10’</td>
</tr>
</tbody>
</table>

1. 42’ with center turn lane
2. 4’- 6’ wide planting strip, or tree wells with 8 foot sidewalk
* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards shall apply to new streets built within this zone for new developments with a proposed or potential average lot size of more than one-half acre:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Shoulder</th>
<th>Parking</th>
<th>Planting strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
<th>Other/ Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’-68’</td>
<td>32’- 40’</td>
<td>Two 12’</td>
<td>None</td>
<td>None</td>
<td>8’ one or both sides</td>
<td>None</td>
<td>None</td>
<td>2’ gravel shoulder both sides; 12’ ditch one or both sides</td>
<td></td>
</tr>
</tbody>
</table>

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.
Section 25.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.
ARTICLE 27 – MT. HOOD UNINCORPORATED COMMUNITY COMMERCIAL
(MH-C1) ZONE

Section 27.05 – Purpose and Intent
This section is adopted to implement the policies of the Comprehensive Plan for rural unincorporated communities. These provisions accommodate local shopping needs, recognize and protect the historic character of rural centers and rural communities while preserving and protecting the agricultural or forestry character of the surrounding areas.

Section 27.10 – Uses Permitted
In the MH-C1 Zone, the following uses and their accessory uses are permitted outright:

A. Retail trade establishment, excepting marijuana retailing.

B. A single building containing one or more commercial and/or professional service establishments unless otherwise listed. The building/establishment(s) may contain multiple types of businesses.

C. A single family, a duplex, or a multi-family dwelling.

D. A manufactured home or recreational vehicle required for security personnel in conjunction with a permitted commercial use, or as a temporary use while constructing a dwelling for a period not exceeding two-years. Applicable provisions in Article 16 shall apply.

E. Motels and hotels, up to 35 units, if served by a sewer system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.
   1. Short-term rentals, subject to Article 53.

F. Service and retail uses serving the farm and forest industries, including but not limited to feed stores, logging equipment sales and service, and farm implement dealers, unless otherwise listed.

G. Airport

H. Cemetery including mausoleum, crematorium, columbarium

I. Church
Article 27 – MH-C1 (Mt. Hood Community)

J. Community club building

K. Public building or use such as a park or fire station

L. School – nursery, primary, elementary, high

M. Home occupation, reference Article 53

N. Health services

O. Psilocybin service center, subject to Article 53.

P. Funeral service and crematories

Q. Eating and drinking places

R. General merchandise

S. Grocery Stores

T. Automobile repair and services

U. Second hand stores

V. Mixed-use buildings, with a retail trade or other commercial use on the ground floor and residential use(s) on the upper floor(s), allowed in the Mt. Hood Unincorporated Community only.

W. Collocation of antennas and wireless telecommunication facilities, subject to Article 74.

Section 27.20 - Conditional Uses Permitted
In the MH-C1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

A. Animal hospital.

B. Manufactured Dwelling Park (i.e., Mobile home park) shall comply with applicable provisions in Article 16.

C. Temporary hardship dwelling, subject to the following:
Article 27 – MH-C1 (Mt. Hood Community)

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

   a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
   b. The applicant shall renew the permit every two-years for it to remain valid. Upon review, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;
   c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
   d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.

2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:

   a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
   b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.

3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.

4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

D. Recreational vehicle park as defined in Article 3. Additionally, an RV Park shall be designed and integrated into the rural community in a manner that protects natural amenities of the site and provides buffers or existing native trees and vegetation or other natural features between the site and adjacent parcels.
Section 27.30 - Limitations on Use
In the MH-C1 Zone, the following conditions shall apply:

A. All business, service, repair, processing, storage, and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.

C. Light from a sign or commercial use shall be directed down and away from a lot in a farm or residential zone.

D. Dwellings and mixed-use buildings shall comply with the setbacks of the R-2 Zone, and as specified in Section 27.50 of this Article.

E. The maximum height limit for all new structures (i.e., commercial, mixed-use, or residential) shall be 35-feet.

Section 27.35 – Building Size

A. Existing Buildings. Uses listed in Sections 27.10 and 27.20 may be established in buildings of any size that existed on October 28, 1994. Commercial uses that existed on October 28, 1994 shall be deemed to comply with this section (i.e., not nonconforming on the basis of size) regardless of building size.

B. Expansion of existing buildings. Buildings in the MH-C1 Zone that existed on October 28, 1994 may be expanded as follows:

1. For uses listed in Section 27.10, after expansion no use shall occupy a building or buildings exceeding 4,000 square feet of floor space, or up to 20% greater than their original size, whichever is greater, except as identified in lines 2. through 4. below.

   Only one expansion of an existing use will be allowed if the resulting total area exceeds 4,000 sq. ft of floor space.
2. For uses listed in Sections 27.20 and 27.10 C. through P., no building size limitation applies in the Mt. Hood Unincorporated Community.

3. For uses listed in Section 27.10 Q. through U., a maximum size limitation of 8,000 sq. ft. of floor space, or up to 20% greater than their original size, whichever is greater, applies in the Mt. Hood Unincorporated Community, based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area. If the expansion results in a total building area greater than 8,000 sq. ft. of floor space, no further expansion will be allowed.

4. For uses listed in Section 27.10 V:
   a. No size limitation shall apply to the residential use(s) in the building.
   b. A maximum size limitation of 4,000 sq. ft. of floor space, or up to 20% greater than the original size, whichever is greater, shall apply to the commercial use in the building.

C. New Buildings. Any new building constructed in the MH-C1 Zone shall comply with the following standards.

1. For uses listed in Section 27.10, no use shall occupy a building or buildings exceeding 4,000 square feet of floor space, except as identified in lines 2. through 4. below.

2. For uses listed in Sections 27.20 and 27.10 C. through P., no building size limitation applies in the Mt. Hood, Unincorporated Community.

3. For uses listed in Section 27.10 Q. through U., a maximum size limitation of 8,000 sq. ft. of floor space applies in the Mt. Hood Unincorporated Community, based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area.

4. For uses listed in Section 27.10 V:
   a. No size limitation shall apply to the residential use(s) in the building.
   b. A maximum size limitation of 4,000 sq. ft. of floor space shall apply to the commercial use in the building.

Section 27.40 - Lot Size and Lot Coverage Requirements

A. In the Mt. Hood Rural Unincorporated Community, the minimum lot size for all new lots or parcels shall be one acre, subject to a successful septic site evaluation by County
Environmental Health. Lot sizes of less than one acre may be allowed under the following conditions.

1. Land divisions of less than one acre shall be reviewed by County Environmental Health and may be approved based on County Environmental Health’s evaluation of the septic conditions at the site and the amount of wastewater that would be generated by the proposed use.

2. County Environmental Health shall only approve lot sizes of less than one acre based on evidence that site conditions can accommodate the proposed lot sizes and the proposed development includes a standard septic system, sand filter system, some equivalent alternative treatment system, or a community septic or sewer system.

3. A community septic or sewer system must serve more than one lot or parcel, or more than one condominium unit, or more than one unit within a planned unit development, and must satisfy standards of the Oregon Department of Environmental Quality and Hood River County Environmental Health for design, operation and maintenance.

B. In the MH-C1 Zone, buildings for the uses listed in Sections 27.10.A, B, and 27.10.D - V, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

C. In the MH-C1 Zone, buildings for the uses listed in Section 27.10.C (single family, duplex, or multi-family dwellings) shall not cover more than 30 percent of the lot area.

**Section 27.50 - Setback Requirements**

In the MH-C1 Zone, setbacks shall be as follows:

A. No commercial building shall be closer than a distance equal to the height of the building, or 20-feet, whichever is greater.

B. A buffer setback from an adjacent farm zone shall apply to outdoor seating areas for the purposes of serving and consuming food and beverages associated with a commercial use, as specified below:

1. 80-feet from an orchard (as defined in Article 50 of this Ordinance), feedlot (as defined in Article 50 of this Ordinance), or dairy; or

2. 50-feet from any other farm use.
3. An alternative buffer to subsections 1. and 2. above may be considered by the Planning Director, subject to Articles 60 (“Administrative Procedures”) and 72 (“Planning Director’s Review Procedure”) of this Ordinance.

C. No building shall be constructed closer than 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.

D. Vision clearance: Minimum 35-feet.

E. Setbacks for dwellings (single, duplex, or multi-family) and mixed-use buildings shall meet the standards of the R-1 Zone.

F. Article 50: Buffer requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

Section 27.60 – Site Design Standards

Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State). At the time of new development, or change of use, the applicant shall demonstrate:

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.
Section 27.65 – Street Design Standards

A. The following street design standards shall apply to new streets built within this zone for new developments with a proposed or potential average lot size of one-half acre or less:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Bike lanes</th>
<th>Parking strip 12’ one or both sides</th>
<th>Planting strip</th>
<th>Sidewalk 6’-8’</th>
<th>Utility easement</th>
<th>Other/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’-70’</td>
<td>30’- 421</td>
<td>Two 11’</td>
<td>12’ min., if needed.</td>
<td>None</td>
<td>See note 2</td>
<td>8’ one or both sides</td>
<td>Two 6’-8’</td>
<td>One or two 5’-10’</td>
<td></td>
</tr>
</tbody>
</table>

1. 42’ with center turn lane
2. 4’- 6’ wide planting strip, or tree wells with 8 foot sidewalk

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards shall apply to new streets built within this zone for new developments with a proposed or potential average lot size of more than one-half acre:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway</th>
<th>Travel lanes</th>
<th>Center lane</th>
<th>Shoulder</th>
<th>Parking strip 8’ one or both sides</th>
<th>Planting strip</th>
<th>Sidewalk 5’-10’</th>
<th>Utility easement</th>
<th>Other/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’-68’</td>
<td>32’- 40’</td>
<td>Two 12’</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>8’ one or both sides</td>
<td>None</td>
<td>One or two 5’-10’</td>
<td>2’ gravel shoulder both sides; 12’ ditch one or both sides</td>
</tr>
</tbody>
</table>

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 27.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of this Ordinance.

Section 27.80 – Signs

Section 27.80.10 – Purpose and Scope

1. The following provisions provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

A. Maintain a balance between the need to identify buildings and activities and the negative impact on community images created by visual clutter;
Article 27 – MH-C1 (Mt. Hood Community)

B. Protect the public health and safety;

C. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the County; and

D. Prevent the interference of signage regulated herein with official traffic signs or signals.

2. The regulations of this section are not intended to permit any violation of the provisions of any other law or regulation.

3. It is not the purpose of this Ordinance to regulate signs, which are regulated exclusively by federal or state law. In any case in which federal or state law preempts this Ordinance, federal or state law shall apply.

Section 27.80.20 – Permits Required

A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a building permit for the same has been issued by the County for those signs stipulated in the Uniform Building Code that require Building Official approval. In addition, electrical permits shall be obtained for electrical signs. All signs are subject to review by the Hood River County Building and Planning Department.

Section 27.80.30 – Measurement

The following criteria shall be used in measuring a sign and sign placement to determine compliance with this Ordinance.

1. Area of Face: “False fronts: and mansard roofs will be excluded when calculating the area of the primary face.

2. Height: The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.

3. Legal Setback Line: A setback line established by ordinance beyond which a sign may not be built. A legal setback line may be a property, vision clearance, or vehicle clearance line.

4. Roof Line: The ridge on a gable, peaked roof or parapet or fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.

5. Sign Area: The area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.
6. **Vision Clearance**: Vision clearance is a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 ½) to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

**Section 27.80.40 – Maintenance**

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a safe condition. The display surfaces of all signs shall be kept neatly painted or posted at all times.

**Section 27.80.50 – Inspections**

All signs for which a permit is required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings, including post type signs. All signs containing electrical wiring shall be subject to the provisions of the applicable electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this section after notice to the owner of record of the premises in which the sign is located. All signs may be re-inspected at the discretion of the Building Official.

**Section 27.80.60 – Abatement of Abandoned Signs**

Abandoned signs may be abated pursuant to Hood River County Code, Ordinance 8.08, as a nuisance.

**Section 27.80.70 – Sign Sizes**

1. **Number**:

   A. The total number of signs per entity shall not exceed three (3) signs, not including free-standing or directional signs; and

   B. There shall not be more than two (2) signs on any building face.

   C. Entities which occupy more than one (1) building shall be treated as separate entities.

2. **Area**:

   A. The total area of signs allowed on the primary face shall not exceed eight (8) percent of the building face, occupied by that entity, including windows.
Article 27 – MH-C1 (Mt. Hood Community)

B. A sign constructed on a second building face of an entity shall not exceed four (4) percent of that building face.

C. If any entity has three (3) building faces, the sign allowed on the second building face may be increased to eight (8) percent of that building face. If a third sign is placed on the third face, it shall not exceed four (4) percent of that building face.

3. Height: The maximum height of all freestanding signs shall be 25-feet.

4. Free-Standing Signs

A. Free-standing signs shall be limited to one (1) per parcel and shall be included in the total area of allowed signs for each entity.

B. Free-standing signs shall not exceed a total of 64 square feet of area and not exceed two (2) faces.

C. Parcels over 150,000 square feet (3.44 acres) in one (1) ownership shall be entitled to a free-standing sign not to exceed a total of 100 square feet.

D. Free-standing signs (all portions) shall meet the vision clearance and vehicle clearance requirements.

5. Projecting signs: A projecting sign shall not exceed 32 total square feet.

6. Roof Signs: No sign shall extend above the roof line or the top of a parapet wall, whichever is higher.

7. Awnings: Signs on awnings shall not exceed the permitted sign area.

8. Temporary Signs:

A. Temporary signs shall be limited to one (1) per parcel for up to 90 days.

B. Temporary signs shall not exceed 32 square feet in size.

9. Sandwich Boards:

A. Only one (1) sandwich board on private property per entity shall be allowed.

B. A sandwich board shall be included in the total number of signs and sign area allowed for a particular entity.
Article 27 – MH-C1 (Mt. Hood Community)

Section 27.80.80 – Exemptions
The following signs shall not require review under this Ordinance.

1. **Directional Signs**: Directional signs less than six (6) feet above grade and less than twelve (12) feet or six (6) feet per side in compliance with the vision clearance and vehicle criteria.

2. **Memorial Tablets or Signs**: Signs carved into a building or which are part of materials which are an integral part of the building.

3. **Traffic Signs**: Traffic, municipal, or directional signs for hospital or emergency services.

Section 27.80.90 – Prohibited Signs
The following signs are prohibited within the MH-C1 Zone:

1. **Moving Signs**: Moving signs or flashing signs or any sign or structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsation or by action of normal wind currents, excepting clocks, barber poles, public service information signs, and time or temperature signs.

2. **Portable Signs**: Portable or bench signs, excluding sandwich boards located on private property.

3. **Utility Pole and Tree Signs**: Signs placed on, painted on, or affixed to any utility pole or tree.

4. **Unofficial Signs**: Unofficial signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal.

5. **Car Signs**: A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this Ordinance.

6. **Flags and Banners**: Flags, banners, and objects designed to move with the wind that are located on a roof or project above a roof by more than forty-five (45) feet if located on a free-standing pole.

Section 27.80.100 – Non-Conforming Existing Signs

1. Non-conforming signs are those signs lawfully installed prior to the effective date of this Ordinance, which do not conform to the standards of this code.
2. All non-conforming signs will be considered non-conforming, pre-existing structures and may be retained pursuant to the provisions of Article 65 (Non-Conforming Uses) of this Ordinance.

Section 27.80.110 – Variance
Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of this Ordinance.

Section 27.80.120 – Penalties
Failure to comply with the provisions of this article will result in the initiation of enforcement proceedings pursuant to the provisions of Article 70 (Enforcement) of this Ordinance.

Section 27.80.130 – Severability
The invalidity of a section or subsection of this Ordinance shall not affect the validity of the remaining sections or subsections.
ARTICLE 31 - INDUSTRIAL ZONE (M-1)

Section 31.10 - Uses Permitted
In an M-1 zone, the following uses and their accessory uses are permitted outright:

A. Any use permitted in the C-1 zone, other than a psilocybin service center, or dwelling or mobile home except when exclusively connected with the business involved.

B. Manufacturing, repairing, compounding, processing, packing or storage, except for psilocybin production or processing.

C. Wholesale distributing or outlet

D. Railroad facilities such as switching yards, spur or holding tracks

E. Kennels

F. A recreational vehicle or single-wide manufactured home for temporary security personnel purposes only for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

G. Communication facilities and towers, subject to Article 74.

H. Marijuana businesses, subject to Article 53.

Section 31.20 - Conditional Uses Permitted
In an M-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60.

A. Motor vehicle wrecking yard

B. Junk yard

C. Communication facilities and towers, subject to Article 74.

D. Dwelling for security purposes, subject to the following:

1. Accessory to an existing or permitted industrial use.
2. Demonstrated that the dwelling is required for security purposes.
Article 31 – Industrial Zone (M-1)

E. Other similar uses to those listed in the zone may be permitted as conditional uses upon demonstrating no adverse impacts to adjacent properties.

Section 31.30 - Limitations on Use
In an M-1 zone erection of a building or the use of property within 100 feet of a lot in farm or residential zone shall be subject to the review and approval of the Commission. The Commission may impose limitations on openings, access or other restrictions in order to reduce any adverse effects the use may be on adjacent properties.

Section 31.40 - Setback Requirements
In an M-1 zone, the setbacks shall be as follows:

A. The front yard shall be a minimum of 20 feet from the edge of the right-of-way.

B. No building shall be closer to an Exclusive Farm Use (EFU), R-1 zone property line than the height of the building in the Industrial Zone or to the required setback of buildings in the EFU or R-1 zones, whichever distance is greater.

C. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 31.50 - Lot Coverage
In the M-1 zone, buildings, except covered parking or loading areas, shall not cover more than 60 percent of the lot area.

Section 31.60 - Site Design Standards

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

______________________________

1. Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to M-1.
Article 31 – Industrial Zone (M-1)

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 31.65 – Street Design Standards
A. The following street design standards for Urban Commercial/Industrial Roads shall apply outside the Urban Growth Areas to new streets built within the M-1, M-2 and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or less:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway Travel lanes</th>
<th>Center lane</th>
<th>Bike Lanes</th>
<th>Parking strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’–70’</td>
<td>30’– 42”</td>
<td>Two 11’</td>
<td>12” min., if needed.</td>
<td>None</td>
<td>8’ one or both sides</td>
<td>Two 6’-8’</td>
</tr>
</tbody>
</table>

1. 42’ with center turn lane
2. 4’- 6’ wide planting strip, or tree wells with 8’ sidewalk
* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the M-1, M-2 and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or more:

<table>
<thead>
<tr>
<th>ROW</th>
<th>Roadway Travel lanes</th>
<th>Center lane</th>
<th>Shoulder</th>
<th>Parking strip</th>
<th>Sidewalk</th>
<th>Utility easement*</th>
<th>Other/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’-68’</td>
<td>32’- 40’</td>
<td>Two 12’</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>One or two 5’-10’</td>
<td>2’ gravel shoulder both sides; 12’ ditch one or both sides</td>
</tr>
</tbody>
</table>

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 31.70 – Access Management
Access management guidelines are addressed in Article 19 (Access Management Standards) of this Ordinance.
ARTICLE 32 - LIGHT INDUSTRIAL ZONE (M-2)

Section 32.10 - Purpose and Intent
The purpose of this zone is to provide for types of manufacturing or other industries which, because of their characteristics, can be permitted in relatively close proximity to residential, commercial, and farm zones. The development standards for the M-2 zone are more stringent than those of the M-1 zone.

Section 32.15 - Uses Permitted
In an M-2 zone, the following uses and their accessory uses are permitted subject to the standard set forth in a land use permit. Permitted uses shall not be obnoxious for reasons of smoke, fumes, noise, sewage or other nuisances or threats to man or property.

   A. Commercial: Commercial uses incidental and directly related to the services and operations of the permitted industrial use.

   B. Manufacturing and Assembly:
      1. Automotive - Trucking
         a. Assembly
         b. Body and fender works
         c. Repair
         d. Painting
         e. Trailers

      2. Boats
      3. Ceramic Products
      4. Electrical parts
      5. Engines
      6. Garments
      7. Gas and electric fixtures
      8. Machinery shops
         a. Carpentry and cabinet shops
         b. Machine shops
         c. Paint shops
         d. Sheet metal shops

      9. Manufacturing, compounding, processing, and/or packing of products such as:
         a. Bakery goods
         b. Candy
         c. Cosmetics
Article 32 – Light Industrial Zone (M-2)

d. Food products
e. Fruit and vegetables
f. Marijuana businesses, subject to Article 53. (Note: Psilocybin manufacturing and processing businesses are not allowed in the M-2 zone per Article 53.)

10. Signs
11. Manufacturing, compounding, assembly or treatment of articles made from the following: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal, shell, textiles, wax, and yarns.
12. Radio and television storage, assembly repair, rebuilding and wholesale.
13. Rubber and metal stamps
14. Shoes
15. Textiles
16. Furniture

C. Processing
   1. Creameries
   2. Laboratories
   3. Cleaning, laundry and dying plants
   4. Tire retreading
   5. Marijuana processing, subject to Article 53

D. Fabrication
   1. Products made of finished rubber
   2. Assembly of electrical or electronic equipment

E. Wholesaling and Warehousing of All Types

F. Utilities
   1. Distribution plants and substations
   2. Service yards
   3. Communication Facilities and Towers, subject to Article 74

G. Other
   1. Research and development facilities
   2. Printing and publishing
   3. Building material yards, excluding lumber manufacturing and planer mills.
   4. Contractors' equipment yard. Repair facilities shall be enclosed.
   5. A recreational vehicle or single-wide manufactured home for temporary security
Article 32 – Light Industrial Zone (M-2)

personnel purposes only for a period not exceeding two-years. Applicable provisions in Article 16 shall apply.

6. Recycling center

Section 32.20 - Conditional Uses Permitted

A. Junk yards

B. Motor vehicle wrecking yards

C. Parks or Community facilities

D. Communication Facilities and Towers, subject to Article 74

E. Dwelling for security purposes, subject to the following:

1. Accessory to an existing or permitted industrial use.
2. Demonstrated that the dwelling is required for security purposes.

F. Other similar uses to those listed in the zone may be permitted as conditional uses, subject to the following:

1. Determined to be in keeping with the purpose and intent of this zone.
2. Demonstrated no adverse impacts to adjacent properties.
3. Meet the requirements of Section 32.25.

Section 32.25 - Conditional Use Criteria

The Planning Commission may grant a conditional use permit for uses described in Sec. 32.20 if each of the below criteria is met, as determined by the Planning Commission:

A. The use shall not discharge smoke, fumes, sewage or other nuisances beyond the property line on which it is located. Discharges, which are maintained and utilized solely to serve as warning devices or originate from highway vehicles, and will not cause nuisance on adjacent properties, are excluded.

B. The use must primarily manufacture, assemble, process, fabricate, wholesale, or store materials or products.

C. The use shall comply with all Limitations On Use and Dimensional Standards applicable to this zone.
Section 32.30 - Limitations on Use
In addition to State Department of Environmental Quality and Federal Environmental Protection Agency regulations, and all other applicable State and Federal Statutes, the following Limitations on Use shall apply to all uses in the M-2 zone.

A. Liquid and Solid Wastes: Animal, vegetable, or other wastes shall not be stored in a way which attracts insects or rodents or otherwise create a health hazard shall be prohibited.

B. Discharge Standards: There shall be no emission of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant, or animal life, or to properties as determined by the County Planner. Discharges created by highway vehicles or trains are excluded.

C. Lighting: Sign lighting and exterior lighting shall not project into an adjoining residential zone.

D. Landscaping:

1. Site Plans submitted with an application for a land use permit must include a landscaping plan, which shows the location and type of plant materials.

2. New industrial uses, which abut a residential zone, shall provide and maintain a dense evergreen landscape buffer, landscaped berm, or site obscuring fence which effectively screens the operation and which attains a (mature) height of at least six (6) feet. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

3. All unused property shall be maintained in native or existing vegetative ground cover or planted grass, shrub and barkdust, or other suitable ground cover in an uncluttered manner.

4. Responsibility for establishment and maintenance of landscaping rests with the industrial property owner.

E. Noise: Noises from within any site shall not be permitted which produce disturbing or obnoxious sounds for extended time periods beyond the property line. Noise devices which are maintained and utilized solely to serve as warning devices and noise created by highway vehicles or trains are excluded.

F. Drainage
Article 32 – Light Industrial Zone (M-2)

1. Site plans submitted with an application for a land use permit shall include a drainage plan which identifies the location and flow direction of all surface and subsurface waterways, the 100-year flood plain of any stream(s), the location of any standing water during wet seasons, and all improvements which will mitigate any potential flooding outside of the 100-year flood plain.

2. The installation of uses and improvements shall not substantially change the flow of surface water during future flooding.

3. A storm drainage system of sufficient quality to mitigate all flooding outside the 100 year flood plain shall be required to preclude future flooding.

G. Parking

1. Any site plan submitted with an application for land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns, and ingress and egress provisions.

2. All uses within a Light Industrial zone shall provide at least two parking spaces for every three employees on the major shift during normal season.

3. All parking lots shall have an all weather surface.

4. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided.

Section 32.35 - Dimensional Standards

A. Minimum street frontage of lots: Fifty (50) feet.

B. Twenty (20) feet from the edge of all rights-of-way.

C. Vision clearance setback from all street intersections: Thirty-five (35) feet.

D. No building shall be closer to a residential or farm (EFU) zoned parcel than the height of the building in the M-2 zone.

E. Maximum height: Forty-five (45) feet.

Section 32.40 - Site Design Standards

At the time of new development, or change of use, the applicant shall demonstrate:

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1 Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to M-2.
Article 32 – Light Industrial Zone (M-2)

A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 32.45 – Street Design Standards

A. The following street design standards for Urban Commercial/Industrial Roads shall apply outside the Urban Growth Areas to new streets built within the M-1, M-2, and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or less:

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1. 42’ with center turn lane
2. 4’–6’ wide planting strip, or tree wells with 8’ sidewalk
* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the M-1, M-2 and C-1 zones for new developments with a proposed or potential average lot size of one-half acre or more:

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<td>None</td>
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<td>None</td>
<td>One or two 5’-10’</td>
<td>2’ gravel shoulder both sides; 12’ ditch one or both sides</td>
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* = Optional
Article 32 – Light Industrial Zone (M-2)

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 32.50 – Access Management
Access management guidelines are addressed in Article 19 (Access Management Standards) of this Ordinance.
Article 33 – Airport Development Zone (AD)

ARTICLE 33 – AIRPORT DEVELOPMENT ZONE (AD)

Section 33.10 - Purpose and Intent
The purpose of this zone is to protect airport facilities from incompatible uses; to provide for future airport expansion; and to preserve lands adjacent to airports for future commercial and light industrial uses which will be directly dependent on air transportation.

Section 33.15 - Uses Permitted
The following uses are permitted subject to issuance of a land use permit:

A. Accepted Farming Practices; including crop dusting and associated activities, such as chemical storage, but not including psilocybin production or processing. Marijuana production subject to Article 53.

B. Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this ordinance, are not customary and usual aviation-related activities and may only be authorized pursuant to Section 33.20.

C. Air cargo terminals.

D. Aircraft and aviation recreational vehicle sales, repair, service, rental, storage and flight schools relating to aircraft and aviation recreational vehicle operations; and construction and maintenance of airport facilities on the airport property essential for the operation of airports, such as fuel storage, hanger use, fixed-base operator offices, etc.

E. Public and semi-public buildings, structures and uses essential to the welfare of an area, such as fire stations, pump stations, and water storage.

F. Taxi and bus terminals.

G. Snack-shop for airport clientele with a total floor area of no larger than 1,000 square feet.

H. Other uses where the ongoing operations and the use must be directly dependent upon and directly associated with the Airport.

I. Emergency medical flight services; law enforcement and firefighting activities.
Article 33 – Airport Development Zone (AD)

J. Air passenger and air freight terminals and services at levels consistent with the classifications and needs identified in the State Aviation System Plan.

K. Aviation recreation and sporting activities, as defined in Section 34.15.

L. Antique Aircraft and Automobile Museum and related uses such as food service and gift shop specifically intended to accommodate museum visitors.

M. Communication Facilities and Towers, subject to Article 74

33.20 - Uses Subject to a Conditional Use Permit
The following conditional uses will be permitted by the Planning Director, providing they meet all the criteria outlined in Section 33.25 and meet the requirements of Article 60:

A. Light industrial, as permitted in the M-2 zone. Marijuana business, subject to Article 53.

B. Truck terminals

C. Communication Facilities and Towers, subject to Article 74

Section 33.25 - Conditional Use Criteria
The Planning Director may grant a Conditional Use Permit for uses described in Section 33.20 if each of the below criteria is met, as determined by the Planning Director. The ongoing operations or the use must be directly dependent upon and directly associated with the airport. The use shall not create a safety hazard or otherwise conflict with any present or planned airport uses.

Section 33.30 - Limitations of Use
In an AD zone, the following conditions shall apply.

A. Liquid and Solid Wastes: Storage of animal, vegetable, or other wastes which attract insects, rodents, or birds or otherwise create a health hazard shall be prohibited.

B. Discharge Standards: There shall be no emission of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant or animal life, or to property, or that may conflict with any present or planned operations of the airport.

C. Lighting:
Article 33 – Airport Development Zone (AD)

1. Sign lighting and exterior lighting shall not project directly into an adjoining residential zone.

2. Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project directly into the runway, taxiway, or approach zone.

D. Landscaping:

1. Site plan submitted with an application for a land use permit must include a landscaping plan, which shows the location and type of plant materials.

2. New uses, which abut a residential zone, shall provide and maintain a dense evergreen landscape buffer, sight obscuring fence, or landscaped berm which attains a (mature) height of at least six (6) feet. Should evergreen landscaping be used to meet this standard, only varieties with a mature height limit less than the elevation of the imaginary airspace shall be used.

3. All unused property shall be maintained in native or existing vegetative ground cover or planted grass, shrub and barkdust, or other suitable ground cover in an uncluttered manner.

4. Responsibility for establishment and maintenance of landscaping rests with the property owner.

E. Parking:

1. Site plan(s) submitted with application for a land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns, and ingress and egress provisions.

2. All industrial uses within an Airport Development zone shall provide at least two parking spaces for every three employees on the major shift during normal season.

3. All Commercial Uses shall follow the Zoning Ordinance for the required number of parking spaces.

4. All parking lots shall have an all weather surface.
Article 33 – Airport Development Zone (AD)

5. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided.

F. Glare and Electro-magnetic Interference:

1. Building materials shall not produce glare which may conflict with any present or planned operations of the airport.

2. No use may produce electro-magnetic interference, which may conflict, with any present or planned operation of the airport.

Section 33.35 - Dimensional Standards

A. Minimum street frontage of lots: Fifty (50) feet.

B. Vision clearance setback from all street intersections: Thirty-five (35) feet.

C. Minimum front yard setback: Twenty (20) feet from the edge of right-of-way.

D. No building shall be constructed closer to a residential or farm zone than the height of the building.

E. All new buildings must be set back at least 30’ from Cedar Creek.

F. Maximum height:

   i. For a building or structure not equipped with a sprinkler system: Two (2) stories or 30 feet, whichever is less, unless otherwise restricted pursuant to the height limitations of the Airport Height Combining Zone.

   ii. For a building or structure equipped with a sprinkler system approved by the County Building Official and/or Fire Marshal: Three (3) stories or 45 feet, whichever is less, unless otherwise restricted pursuant to the height limitations of the Airport Height Combining Zone.

   iii. Unless otherwise exempt pursuant to Section 34.60(K), structures on the airport property necessary for the operation of the airport may be higher than the above height limitations, subject to submitting a FAA Form 7460-1 to and receiving approval from the Oregon Department of Aviation and Federal Aviation Administration.
Article 33 – Airport Development Zone (AD)
ARTICLE 34 – AIRPORT HEIGHT COMBINING ZONE (AH)
(Amended by Ordinance #295 – Effective June 26, 2009)

Section 34.10 - Purpose and Intent
The purpose of the Airport Height Combining Zone (AH) is to protect the public's safety and welfare and to protect property adjacent to and surrounding both the Cascade Locks State Airport and the Hood River Airport) through the use of height restrictions Ken Jernstedt Airfield (formerly the and other provisions in this ordinance. The AH Zone shall regulate various types of air space obstruction and other hazards which may interfere with safe landing and taking off of aircraft including: (a) the height of structures and objects of natural growth; (b) conditions or activities which may cause electronic interference with air navigation communication systems; (c) lights which may interfere with airport lighting systems; (d) conditions or activities which produce levels of smoke, dust and glare that would interfere with safe operations; and (e) conditions or activities creating bird strike hazards. The AH Zone is an overlay zone to be used in conjunction with any base zone.

The protected airspace and Runway Protection Zone (RPZ) standards depicted in the attached exhibit entitled “Airport Zones Current and Future Conditions” (see Appendix “C-1”) will apply to present runway configuration until the runway shift identified in the 2009 Airport Master Plan is completed. Once the runway is shifted east, the newly located airspace and RPZ standards depicted in the exhibit as “future” will automatically apply and supersede the “current” airspace and RPZ regulations.

Section 34.15 – Definitions

A. Aircraft. Helicopters and airplanes, but not hot air balloons or ultralights.

B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing and taking off from the strip of land, including but not limited to land used for existing airport uses.

C. Airport Imaginary Surfaces (and zones). Imaginary areas in space and on the ground that are established in relationship to the airport and its runways. The airport imaginary surfaces are defined by the Approach Surface, Transitional Surface, Horizontal Surface, Conical Surface, and Runway Protection Zone, which are described in Section 34.30 and depicted in Appendix “B-2” (Current) and B-3” (Future).

D. Airport Noise Criterion. The State criterion for airport noise is an Average Day-Night Sound Level (DNL) of 55 decibels (dBA or dB) or greater. The Airport Noise Criterion is not designed to be a standard for imposing liability or any other legal obligation except as specifically designated pursuant to OAR 340, Division 35.
E. **Average Day-Night Sound Level (DNL).** Average day-night sound level is the FAA standard measure for determining the cumulative exposure of individuals to noise. DNL is the equivalent of noise levels produced by an aircraft operations during a 24-hour period, with a ten-decibel penalty applied to the level measured during nighttime hours (10:00 p.m. to 7:00 a.m.).

F. **Aviation Recreation and Sporting Activities.** Activities, facilities, and accessory structures at airports that support recreational use of aircraft and sporting flight. Aviation recreation and sporting activities on airport property shall be subject to approval of the airport sponsor. Aviation recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists/skydivers; and parachute/skydiving drops onto an airport, when a minimum 10 acre drop zone, which roughly approximates a square or circle, has been secured from the airport sponsor.

G. **Aviation Recreational Vehicle:** A type of vehicle, other than planes or helicopters, that are primarily used or intended to be used for recreational flight. Examples of an aviation recreational vehicle include but are not limited to gliders, hot air balloons, and ultralights.

H. **FAA.** Federal Aviation Administration

I. **FAR.** Regulation issued by the FAA.


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

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

M. **Other than Utility Runway.** A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

N. **Public Assembly Facility.** A permanent or temporary structure or facility, place or activity where concentration of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where
people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time.

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

P. **Structure.** Any constructed or erected object, which requires a location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

Q. **Visual Runway.** A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

**Section 34.20 - Application**
The provisions of this ordinance shall apply to all lands in Hood River County under the following surfaces: (a) airport approach; (b) conical; (c) horizontal; and (d) transitional which are shown in Appendix "A", Cascade Locks State Airport Plan, Cascade Locks, Oregon (4/18/83) ¹; and Appendix “B” Ken Jernstedt Airfield Airport Master Plan Sheets 1-5, 2009. (Originals at a larger scale are available in the Hood River County Planning Department.) Dark shaded or diagonal lines and irregular bounded areas as noted in both Appendices show topography penetrating the imaginary surfaces making it difficult to apply provisions of this ordinance.

**Section 34.30 - Height Limitations**
No structure or tree shall be erected, altered, allowed to grow, or be maintained in the Airport Height Combining Zone to a height in excess of height limitations established by each of the following goals which underlie each designated surface as shown in Appendices "A", "B", and “C”:

A. **Primary Surface:** A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway and is 250 feet wide along each side, as measured from the centerline of the runway.

¹. Applies only to lands outside the Cascade Locks Urban Growth Boundary. It is recommended (see County Policy Document and Goal 12- Transportation) that the City of Cascade Locks update their Comprehensive Plan to apply the Airport Height Combining Zone to Cascade Locks State Airport in the UGA and designate the airport in their plan.
B. **Approach Surface (for Other than Utility Visual Runway):** Slopes twenty (20) feet outward for each foot upward (20:1) beginning at the end of and at the same elevation as the Primary Surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

C. **Transitional Surface:** Slopes seven (7) feet outward for each foot upward (7:1) beginning at the sides of and at the same elevation as the Primary Surface and the Approach Surface and extending to a height of 150 feet above the airport elevation.

D. **Horizontal Surface:** Established at 150 feet above the airport elevation or at a height of 301 feet above mean sea level at the Cascade Locks Airport and 780 feet at the Ken Jernstedt Airfield. *(Note: The elevation of the Ken Jernstedt Airfield is subject to change should the runway shift to the east as detailed in the 2009 Airport Master Plan.)* The Horizontal Surface extends 5,000 feet from the center of each runway end, as shown on Appendix “B-2” (current) and “B-3” (future), and begins where the Transitional Surface reaches a vertical height of 150 feet.

E. **Conical Surface:** Slopes twenty (20) feet outward for each foot upward (20:1) for 4,000 feet beginning at the periphery of the Horizontal Surface and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

F. **Runway Protection Zone:** Extending 1,000 feet from the ends of existing and planned runway termini as shown on attached Appendix C, Sheets 1 through 3. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the Primary Surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end.

G. The Plan Diagram in the Appendices shall be utilized to assist in determining any air space obstructions.

**Section 34.40 - Permitted Uses**
Any permitted use in the base zone subject to compliance with the provisions of the AH Zone, including provisions in Section 34.60 below.

**Section 34.50 - Uses Subject to a Conditional Use Permit**
Conditional uses listed in the base zone shall be subject to compliance with provisions of the AH Zone, including provisions in Section 34.60 below.

**Section 34.60 - Other Conditions to Use and Occupancy**
Uses permitted in the base zone will also be governed by the following restrictions:
A. No building, pipe, chimney, tower, steeple, stand, platform, pole, wire or structure or erection or object of natural growth, or obstruction of any kind of nature whatsoever, shall be built, placed, hung, or permitted to grow or allowed to be built, placed or hung which shall at any point project into the zones as delineated in Appendices "A", "B" and "C" to this ordinance.

B. No residential development or uses that promote public gathering are permitted in the Runway Protection Zone, as detailed in Appendix C (Sheets 1 through 3). Any residential development or uses that promote public gathering that lawfully existed as of the adoption date of this amendment (June 26, 2009) shall be treated as nonconforming uses, subject to the provisions of Article 65 (Nonconforming Uses).

C. No searchlight, beacon light, or other glaring light shall be used, maintained, or operated within one-half mile of said airports, so that the same shall reflect, glare, or shine upon or in the direction of said airports.

D. No glare producing materials such as unpainted metal or reflective glass shall be used on the exterior of any structure located within or below the Airport Height Combining Zone, where glare could impede a pilot’s view.

E. Any electromagnetic radiation that would interfere with normal aircraft communication is prohibited.

F. Any land use or activity that produces smoke or haze to a degree that would interfere with normal aircraft operations is prohibited.

G. Any land use or activity that produces excessive bird strike hazard in the designated zones is prohibited.

H. Where a zone is covered by more than one height limitation the more restrictive shall prevail.

I. It is the applicant’s responsibility to provide elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level to demonstrate compliance with the height limitations of this Article.

J. Except as provided in Subsection K, below, for areas within the airport imaginary surfaces, but outside the Approach and Transition Surfaces, where the terrain is near or higher than the airport imaginary surface elevation such that existing structures and/or permitted development penetrate or would penetrate the airport imaginary surfaces, structures up to 35 feet in height may be authorized subject to the following standards:
Notice to the Federal Aviation Administration (FAA) is required by Part 77 of the Federal Aviation Regulations where construction and/or alteration of structures may penetrate regulated airspace described within this Section. It is the applicant’s responsibility to notify the FAA and the Oregon Department of Aviation (ODA) and secure approvals via FAA Form 7460-1. Once notification has been made, the FAA or ODA will either make a “determination of no hazard” (DNH) or require mitigation through structure relocation on the subject site, aviation safety lighting or other means. The Planning Department will require a DNH or ensure mitigation is met as part of its approval process.

K. Pursuant to FAA Form 7460-1, FAA notification is not required for any of the following construction activities or alterations:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(2) Any antenna structure of 20 feet of less in height, except one that would increase the height of another antenna structure.

(3) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service, the location and height of which is fixed by its functional purpose.

(4) Any construction or alteration for which notice is required by any other FAA regulation.

(5) Any other construction activities or alterations deemed by FAA as exempt from notification.

L. Except as provided in Subsection 34.60(J), any person desiring to erect or increase the height of a structure causing it to penetrate into or penetrate further into the airport imaginary surface may apply for a variance, subject to the provisions of Article 66 (Variances) and the following:

(1) Prior to making application for a variance, the applicant shall submit a Form 7460-1 to and receive approval from the Oregon Department of Aviation and Federal Aviation Administration.

(2) An approved variance may be conditioned as to require the owner of the structure to install, operate, and maintain obstruction markers at the owner’s expense.
(3) An approved variance may not allow a structure to exceed the height limitations prescribed in the base zone.

M. The following requirements and conditions shall apply to safety risks associated with potential bird strike hazards resulting from new water impoundments proposed in close proximity to an airport identified under ORS 836.610 (1):

(1) No new water impoundments of one-quarter acre or larger shall be allowed:

   (A) Within an approach corridor and within 5,000 feet from the end of a runway; or

   (B) On land owned by the airport or airport sponsor where the land is necessary for airport operations;

(2) Wetlands mitigation required for projects located within the areas identified in paragraphs (A) and (B) of this subsection shall be authorized where it is not practicable to provide off-site mitigation.
Appendix “A”
Article 34 – Airport Height Combining (AH) Zone
ARTICLE 35 - NATURAL AREA ZONE (NA)

Section 35.10 - Purpose and Intent
To protect Natural Areas (NA) identified in the Comprehensive Plan from conflicting use. The NA Zone is designed to protect identified natural areas by allowing only uses, which will not adversely impact or destroy the Natural Area. This zone is used to implement the Natural Area Plan designation.

Section 35.20 - Permitted Uses

A. Uses that will maintain, enhance, protect and conserve water quantity and quality.

B. Utility facilities necessary for public service except commercial facilities generating power for public use by sale.

C. Public or private conservation areas or structures for the retention of water, soil, open spaces or wildlife resources.

D. Uses existing at the effective date of this ordinance provided, however, that any change or alteration of such use shall require approval by the Director subsequent to affirmative findings being documented and presented showing that criteria for approval in Section 35.30 and 35.50 below have been met and the use complies with a County Land Use Permit.

Section 35.30 - Approval Standards
In the evaluation of any use or activity, affirmative findings will be submitted to the Planning Commission via the Planning Director demonstrating that the proposed use complies with Section 35.50 - Criteria for Approval, and will not damage the area designated Natural Area. If a proposed use or activity would result in the permanent destruction of the Natural Area, then the request would be denied.

Section 35.40 - Uses Subject to a Conditional Use Permit and Criteria for Approval Specified in Section 35.50

A. Accepted timber practices.

B. Farm uses and accessory uses; marijuana uses are prohibited in this zone.

C. Development within 800-feet of a withdrawal point of a public water supply.
D. Operations conducted for the exploration, mining and processing of aggregate, geothermal and other mineral resources.

**Section 35.50 - Criteria for Approval**

A. No building or subsurface disposal system will be allowed in the surface drainage basins of Crystal Springs and that area east of the spring to Highway 35 or 1,200 feet whichever is closer.

B. The natural vegetative fringe along all water sources and within watershed areas shall be protected and enhanced to the maximum extent practical to assure protection from erosion.

C. Operations conducted for timber harvesting or farm use that will adversely impact (short term) or destroy (long term) the water source capabilities, or systems within the water resource sites are not permitted. Only selective cutting is permitted.

D. The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practical.

E. Areas of annual flooding (floodplain, water areas, or wetlands) shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow and natural processes.

F. Areas of erosion or potential erosion shall be protected from loss by appropriate means.

G. The design bulk, construction materials, color and lighting of buildings and structures shall be compatible with the character and visual quality of areas of natural significance.

H. Applicable policies of the Comprehensive Plan shall be satisfied (Goal 5: Water Areas, Wetlands, Watersheds, etc.).

I. New buildings shall be set back 100-feet from ordinary high water mark except for those uses in conjunction with a water-related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings through documentation are made and submitted to the Planning Director to satisfy the following: (1) the proposal would provide better protection, maintenance and retention of riparian vegetation than would occur by observance of the setback requirement; or (2) the protection, maintenance and retention of riparian vegetation are not applicable to the proposal. If a conflict is noted among setback requirements, the more restrictive will be used.
**Article 35 – Natural Area Zone (NA)**

J. Operations conducted for the exploration, mining and processing of aggregate, geothermal and other mineral resources or subsurface resources that will adversely impact (short term) or destroy (long term) the water source, capabilities, or systems within the Parkdale Lava Bed and other identified resource sites are not permitted. The proposed use will comply with the following additional conditions:

1. Bonding to ensure adequate payment for any damage to water sources, capabilities or water systems (physical or natural) resulting from the proposed use or activity.

2. Compliance with the requirements and provisions of the Surface Mining Zone (Article 46). (Parkdale Lava Beds are shown on Geological Survey Sheets: (1) Dog River, Oregon; 1962 photo, revised, 1979; (2) Mt. Hood North, Oregon 1962 photo; revised 1980; (3) Dee, Oregon, 1977; and (4) Parkdale, Oregon, 1974; all 7.5 minute series.)

**Section 35.60 - Site Development Standards**

A. Maximum height: 35-feet.

B. Setbacks:

1. **Front:** 50-feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

2. **Rear:** 20-feet.

3. **Side:** Interior: 10-feet. Exterior, side or corner lot: 50-feet from the centerline of any street.

4. **Setbacks between buildings:** 10-feet minimum.

5. **Minimum lot size for new lots or parcels:** Compliance with one of the following:

   (a) as required by each base zone; or
   (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.
ARTICLE 36 - HISTORIC PRESERVATION (HP)

Section 36.10 - Purpose and Intent
To preserve, protect, maintain and enhance those historic resources that trace the evolution of man's influence in Hood River County. Historic resources are the sites, buildings, structures, objects, natural features or specific districts that relate to events or conditions of our past. This includes archaeological sites, which possess evidence of prehistoric culture. Protected sites will provide educational value, enjoyment, and economic diversification as well as beautification of the County and enhancement of property values. This ordinance is intended to allow the County to review building or demolition permits to ensure that these and other historic structures and sites identified in the future are preserved. The Historic Preservation Ordinance can be used to implement the Historic Preservation Plan designation or can be used as an overlay zone.

Section 36.20 - Historic Resources
Historic resources located within unincorporated Hood River County that are listed in the Statewide Inventory of Historic Sites and Buildings, Hood River County, and sites designated in the Hood River County Comprehensive Plan as having important historic significance are subject to the provisions of Section 36.30 - Exterior Remodeling or Alteration, and Section 36.40 - Demolition or New Construction, of this ordinance. Other resources evaluated through the Goal 5 process and determined to be important historic resources shall comply with the provisions in the Historic Preservation Ordinance. The historic resources are listed in Appendix "A" to this ordinance.

Section 36.30 - Exterior Remodeling or Alteration
The Building Official shall submit to the Director all building permit requests for exterior alteration for a historic building. The Director shall, within 30 working days, review the permit application for compliance with the requirements in Section 36.50 of this ordinance, and make the following determinations:

A. If the Director finds the proposed alterations to be in compliance with Section 36.50, he shall submit to the Building Department a statement that the requirements of this section have been satisfied.

B. If the Director finds the proposed alterations to be in non-compliance with the requirements of Section 36.50, he shall issue a statement to the Building Official and schedule a hearing before the Hood River County Planning Commission to review the application. The Director shall also inform the County Historical Museum Board, the State Historical Preservation Office and the County Parks and Recreation Committee. The Commission shall complete the following:

1. The Commission shall meet within 30 working days of the date the completed permit application was submitted to the Building Department. The applicant shall be notified of the time and place of the review and is encouraged to be present. A failure to review within 30 working days shall be considered as an approval of the application.
2. If the Commission finds the proposed alterations to be in compliance with Section 36.50, they shall direct the Planning Director to submit to the Building Department a statement allowing exterior remodeling or alteration.

3. If the Commission finds the proposed alterations to be in non-compliance with Section 36.50, they must:
   a. Approve the application subject to compliance with conditions, which will bring the application into conformance with Section 36.50; or
   b. Place up to a 60 day delay from the date of the hearing action on issuance of a building permit for the proposed alteration to provide additional time for gathering information, to further evaluate the proposal or to identify alternatives for the owners; or
   c. Provide the applicant with information concerning local, state, and federal preservation programs.

Section 36.40 - Demolition or New Construction
The Building Official shall submit all requests for demolition of a historic building and new construction on historical sites on which no structure exists to the Director who shall, within 30 working days, schedule a hearing before the Commission to review the request. However, if the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other act of God, a demolition permit may be approved by the Building Official without processing the request through the Planning Commission. A failure to review within 30 working days shall be considered as an approval of the application.

The Commission shall complete and consider the following: The Commission may approve the issuance of the demolition permit or building permit or it may delay the issuance of the demolition permit or building permit for up to 60 days from the date the request is received by the Building Department. The Commission's decision shall be based upon consideration and completion of at least the following factors:

A. Reasonable efforts will be made to provide the owner of the structure with possible alternatives for demolition, including information concerning local, state and federal preservation programs.

B. Reasonable effort shall be made to maintain the historic structure by any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (A demonstrated lack of private and public funding for maintenance of a structure is sufficient cause to allow demolition.)

C. Consideration shall be given to the Guidelines listed in Section 36.50; and
D. The Commission shall seek assistance through referrals from at least the following County Departments and agencies: County Historic Museum Board, the State Historic Preservation Office, and the County Parks and Recreation Committee.

**Section 36.50 - Guidelines for Exterior Alteration of a Historic Building**

Affirmative findings will be documented addressing the following guidelines based upon their relative importance.

A. Retention of original construction. All original exterior materials and details shall be preserved to the maximum extent possible.

B. Height. Additional stories may be added to historic buildings provided that:
   1. The added height complies with requirements of the building and zoning codes.
   2. The added height does not exceed that which was traditional for the style of the building.
   3. The added height does not alter the traditional scale and proportions of the building style.
   4. The added height is visually compatible with adjacent historic buildings.

C. Bulk. Horizontal additions may be added to historic buildings provided that:
   1. The bulk of the addition does not exceed that which was traditional for the building style.
   2. The addition maintains the traditional scale and proportion of the building style.
   3. The addition is visually compatible with adjacent historic buildings.

D. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

E. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (window to wall) shall be visually compatible with the traditional architectural character of the historic building.

F. Material, 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 building.

G. 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 building.
Section 36.60 - Process for Designation of Historic Resources

A. The Director, upon request from the Board or Planning Commission or upon a request by a property owner or the contract purchaser to designate a particular building or site as a historic resource, shall advise the owner of such building or site. The Director shall also inform the County Planning Commission, the County Historical Museum Board, the County Parks and Recreation Committee, and State Historic Preservation Office.

B. The Director shall fix a date and time for a public hearing before the Planning Commission pursuant to Article 60, Administrative Procedures, County Zoning Ordinance.

C. The Commission's determination as to whether a site or building shall be designated a historic resource shall be based upon at least consideration of the following:

1. Evaluation of the proposed site through the Goal 5 process as outlined in OAR 660-16-000.

2. Testimony from the owner of the site.

3. Comments from the owners of abutting property, representatives of the County Historic Museum Board, the County Parks and Recreation Committee, the Building Official, the State Historic Preservation Office and other interested parties.

4. Other considerations deemed necessary by the Commission to assist in their decision making.

5. If the Commission determines that a site or building shall be designated as Historic Resource, it shall complete one of the following actions:

   a. Add the resource to the Historic Resources List noted in Section 36.20 - Historic Resources; or

   b. Apply the Historic Preservation Zone as an overlay; or

   c. Recommend to the Board to apply the Historic Preservation Plan designation to the historic resource.

D. If any designated historical building or site has been demolished or destroyed, the Planning Commission, upon direction from the Board or upon it's motion, may remove the historical building designation. If the designation is proposed to be removed from any historical building or site for any other reason than set forth in the preceding sentence, then similar notices, recommendations and hearings shall be held as specified in A., B., and C. above.
Section 36.70 - Building Official Powers
Nothing in this chapter may be interpreted to mean that the Commission may issue building permits as that is an ability reserved to the Building Official.

Section 36.80 - Appeals
Actions of the Planning Commission can be appealed to the Hood River Board of County Commissioners as outlined in Article 61 - Review by the Board, County Zoning Ordinance.

Section 36.90 - Site Development Standards
Compliance with the Site Development Standards required by the base zone (i.e., setbacks for front, rear, side and between buildings; off-street parking, minimum lot or parcel size; vision clearance) or compliance with the site development requirements of the predominant surrounding and adjacent zone, shall be required.
<table>
<thead>
<tr>
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<th>Site Description</th>
<th>Location</th>
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<tbody>
<tr>
<td>1.</td>
<td>Potter (Miles) House (Cooper, Emma House)</td>
<td>2N 10E 3B #300</td>
</tr>
<tr>
<td>2.</td>
<td>Hazel Rebekah Lodge 156 and Kemp I.O.O.F. Lodge 181 (same)</td>
<td>2N 10E 26B #800</td>
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<tr>
<td>3.</td>
<td>Kollas House (&quot;Starvation Flats&quot;)</td>
<td>2N 10E 28 #3700</td>
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<tr>
<td>4.</td>
<td>Kroeger (John) House (same)</td>
<td>2N 10E 27 #4200</td>
</tr>
<tr>
<td>5.</td>
<td>McCan (Capt. Charles P.) House (same)</td>
<td>2N 10E 2A #1900</td>
</tr>
<tr>
<td>6.</td>
<td>Mt. Hood School (Mt. Hood Town Hall and Recreation Center)</td>
<td>1N 10E 27 #2100</td>
</tr>
<tr>
<td>7.</td>
<td>Methodist Episcopal Church (Odell United Methodist Church)</td>
<td>2N 10E 26C #3600</td>
</tr>
<tr>
<td>8.</td>
<td>United Church Upper Hood River Valley (Parkdale Community Church)</td>
<td>1N 10E 32DD #2500</td>
</tr>
<tr>
<td>9.</td>
<td>Morton (J.W.) House (Struck, Sheldon House)</td>
<td>3N 10E 28 #402</td>
</tr>
<tr>
<td>10.</td>
<td>Tucker (Barton R.) House (same)</td>
<td>2N 10E 15 #3500</td>
</tr>
<tr>
<td>11.</td>
<td>Connaway (Harry) and Lafferty (I.U.) store (Weber Bros. Hardware)</td>
<td>2N 10E 22DD #700</td>
</tr>
<tr>
<td>12.</td>
<td>First Congregational Church (Windmaster Community Church of God)</td>
<td>2N 10E 10 #1900</td>
</tr>
<tr>
<td>13.</td>
<td>Union Church (Church of Christ)</td>
<td>2N 10E 22DD #800</td>
</tr>
<tr>
<td>14.</td>
<td>English House (same)</td>
<td>2N 10E 21 #6002</td>
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<tr>
<td>15.</td>
<td>Oak Grove School House</td>
<td>2N 10E 16 #3800</td>
</tr>
</tbody>
</table>

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1. Sites listed by historic name, then common name as they appear in the Statewide Inventory of Historic Sites and Buildings, Hood River County, 1976.
ARTICLE 37 – AIRPORT NOISE OVERLAY ZONE (AN)  
(Effective June 26, 2009 – Ordinance #295)

Section 37.10 – Purpose and Intent
The AN overlay zone is intended to be applied to lands within and adjacent to the Ken Jernstedt Airfield that are located in areas of 65 and greater Noise Decibel Levels (NDL), as depicted in Appendix “A” of this Article. The purpose of this zone is to implement OAR-660-013-0080 (1)(b) and to apply Noise Level Reduction (NLR) standards required by the Oregon Airport Planning Rule.

Section 37.20 – AN Zoning on Official Zoning Map
Lands zoned AN on the official zoning map are those lands located on and adjoining the airport and shown on the Airport Master Plan to have Airport Noise Contours at 65 dB (DNL) and greater. Existing dwellings and other uses otherwise prohibited in the AN zone are not subject to the provisions of Article 65, Non-Conforming Uses.

Section 37.30 – Uses Permitted Outright or Conditionally
The AN overlay zone will have no impact on uses allowed outright or conditionally in the underlying base zone, but may require additional construction standards as outlined in Article 37.50 below.

Section 37.40 – Prohibited Uses
The following uses are specifically prohibited within the AN zone:

1. New dwellings, except as otherwise allowed in Section 37.50(2).
2. New schools, except for flight schools located on airport property.
3. Outdoor music shells, amphitheatres.

Section 37.50 – Limitations on Use
All proposed residential (habitable structures) and other allowed uses occurring within the 65 dB Airport Noise Contour must meet the following noise mitigation provisions:

1. Minimum Construction Standards: Except as provided in Subsection 5, below, noise mitigation is required for new construction located within the 65 dB contour. Typical home construction provides 20 dB indoors assuming vents and windows are closed. New residential construction and replacement dwellings require the applicant use building techniques (wall and window materials, insulating qualities, etc.) shown to enhance the indoor noise level to a range of 25 dB to 30 dB; or exceed standard construction indoor noise reduction by 5 dB to 10 dB as determined by the Building Official. This may require a qualified professional to design the structure, and may require a third party test to ensure that the structure was built to meet noise reduction standards prior to occupancy.
2. Replacement Dwellings. Where an existing dwelling is located entirely outside, partially inside and partially outside, or entirely inside the 65 dB contour, the replacement dwelling may only be allowed to expand into or further into the 65 dB if the noise level reduction standards described in Subsection 1 above are achieved and one of the following is met:

   a. No more than 25 percent of habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour; or

   b. More than 25 percent of the habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour with an approved variance (Article 66) and justification that shows special conditions or physical limitations on the site make the proposal the most feasible option.

3. Existing Dwellings. Where an existing dwelling is located entirely outside, partially inside and partially outside, or entirely inside the 65 dB contour, the existing dwelling may only be allowed to expand into or further into the 65 dB contour area if the noise level reduction standards described in Subsection 1 above are achieved and one of the following are met:

   a. No more than 25 percent of habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour; or

   b. More than 25% of the habitable floor area of the existing dwelling is allowed to penetrate into or further into the 65 dB contour with an approved variance (Article 66) and justification that shows special conditions or physical limitations on the site make the proposal the most feasible option.

4. Additions and Alterations. Where existing construction is altered or additions are proposed, all newly constructed portions of dwellings within the 65 dB contour shall meet the 25 to 30 dB standard, while all remaining unaltered portions of the dwelling are exempt.

5. Exemptions. Non-habitable structures, such as garages and outbuildings, as well as minor repairs to existing dwellings (e.g. broken windows or roof repairs) are exempt from the noise level reduction standards.

6. Non-Residential Uses. Additional uses that are consistent with the base zone may be permitted with limitations as outlined in the Noise Compatibility Table 37.1 below, which was adapted from Exhibit 5 of OAR 660-013, Airport Planning Rule.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Yearly Day-Night Sound Levels (DNL) in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>65-70</td>
</tr>
<tr>
<td></td>
<td>70-75</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Residential Dwellings</td>
<td>N(^1)</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>N</td>
</tr>
<tr>
<td>Transient Lodging (motels and hotels)</td>
<td>N(^1)</td>
</tr>
<tr>
<td><strong>Public Use</strong></td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>N(^1)</td>
</tr>
<tr>
<td>Churches, auditoriums, concert halls,</td>
<td>25</td>
</tr>
<tr>
<td>hospitals, nursing homes</td>
<td>30</td>
</tr>
<tr>
<td>Government Services</td>
<td>Y</td>
</tr>
<tr>
<td>Transportation/Parking</td>
<td>Y(^2)</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>Offices-business and professional</td>
<td>Y</td>
</tr>
<tr>
<td>Wholesale/retail-materials, hardware</td>
<td>Y(^2)</td>
</tr>
<tr>
<td>and farm equipment</td>
<td></td>
</tr>
<tr>
<td>Retail trade-general</td>
<td>Y</td>
</tr>
<tr>
<td>Utilities</td>
<td>Y</td>
</tr>
<tr>
<td>Communications</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Manufacturing</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacturing-general</td>
<td>Y(^2)</td>
</tr>
<tr>
<td>Photographic and optical</td>
<td>Y</td>
</tr>
<tr>
<td>Agriculture (except livestock) and</td>
<td>N(^4)</td>
</tr>
<tr>
<td>forestry</td>
<td></td>
</tr>
<tr>
<td>Livestock farming and breeding</td>
<td>N(^4)</td>
</tr>
<tr>
<td>Mining and fishing, resource production and extraction</td>
<td>N(^5)</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Outdoor sports arenas/spectator sports</td>
<td>Y(^3)</td>
</tr>
<tr>
<td>Outdoor music shells, amphitheatres</td>
<td>N</td>
</tr>
<tr>
<td>Nature exhibits and zoos</td>
<td>N</td>
</tr>
<tr>
<td>Amusement parks, resorts, camps</td>
<td>Y</td>
</tr>
<tr>
<td>Golf courses, riding stables, water recreation</td>
<td>Y</td>
</tr>
</tbody>
</table>

**Key:**

- **Y** (Yes)  Land Use and related structures compatible without restrictions.
- **N** (No)  Land Use and related structures are not compatible and should be prohibited.
- **NLR**  Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
- **DNL**  Average Day-Night Sound Level
- **25, 35**  Land Use and related structures generally compatible; measures to achieve NLR of 25 or 30 dB must be incorporated into design and construction of structure.

Article 37 – Airport Noise (AN) Overlay Zone
Table 37.1 Notes:

1. Where a community determined that residential or school uses must be allowed, measures to achieve an outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. The use of NLR criteria will not, however, eliminate outdoor noise problems.

2. Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

3. Land use compatible provided special sound reinforcement systems are installed.

4. Residential Buildings require an NLR of 25 dB.

5. Residential Buildings require an NLR of 30 dB.
ARTICLE 41 - PLANNED UNIT DEVELOPMENT (PUD)
(Amended 10/21/85)

Section 41.00 - Purpose & Intent
The purpose of this Planned Unit Development Ordinance shall be to prescribe procedures under which a planned unit development may be submitted for review and approval by Hood River County. The intent of the Planned Unit Development Ordinance is to recognize and provide the following: (a) Permit lowering of land development costs where space devoted to streets, sidewalks and utilities can be reduced; (b) Reduce monotony of individual lot development generated by normal partitioning or subdividing; (c) Permit flexibility by allowing exceptions from standard setback and lot size limitations; (d) Allow greater intensity and density of use in certain locations, while retaining usable common open space; and (e) Allow protection of environmental sensitive areas and protection of the public from hazardous areas.

Section 41.05 - Definitions

A. Planned Unit Development: The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations otherwise required by the County Zoning Ordinance.

B. Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general. Common open space land will be maintained in perpetuity.

Section 41.10 - Applicability

A. Approval of the final planned unit development plan will constitute zoning requirements for the property.

B. A planned unit development shall be permitted on a tract of land of sufficient size to accommodate a planned unit development pursuant to provisions in Article 41 - Planned Unit Development.

C. Pursuant to compliance with provisions in Article 41, planned unit developments may be applied to County zoning districts not listed below.

1. A planned unit development is not applicable to land zoned Exclusive Farm Use (EFU) unless a Goal 2 Exception can be justified.

2. A planned unit development is not applicable to land zoned Primary Forest (F-2).

3. A planned unit development is not applicable to lands zoned Environmental Protection (EP), Floodplain (FP) or Geologic Hazard (GH), however lands so designated can be used for computation of density requirements within a
planned unit development.

D. Planned unit developments proposed in the Forest Zone (F-1) shall provide affirmative findings through documentation that the following provisions are met:

1. All uses either permitted or conditionally allowed in the F-1 Zone are permitted.

2. The planned unit development will meet the density standard of the F-1 Zone. The density standard is one dwelling per 40 acres, only if all provisions in Article 5 – Forest Zone (F-1) are affirmatively met.

3. Proposed uses shall comply with provisions in Article 5 - Forest Zone, Section 5.30 - Criteria and Standards for Approval.

4. The above findings shall be submitted with other information required in Section 41.25 - Preliminary Planned Unit Development Plan Application Requirements.

Section 41.15 - Permitted Uses

A. Planned Unit Residential Developments: Single-family dwellings, multi-family dwellings, two family dwellings, uses permitted or conditionally allowed in the parent zone, and commercial uses as specified under Section 41.35 - Planned Unit Development Standards.

B. Planned Professional, Civic, Commercial and/or Industrial Developments: Uses permitted or conditionally allowed in the parent zone and accessory buildings and uses.

C. Parent Zone: Uses permitted or conditionally allowed in the parent zone.

Section 41.20 - Planning Director's Conference and Review

A. The applicant shall have a pre-application conference with the Planning Director or his designate.

B. Based upon the pre-application conference, the applicant shall make a formal application. The applicant is required to pay a filing fee and present affirmative findings addressing applicable provisions in Article 41 - Planned Unit Development. The applicant and Director shall meet and determine whether the requirements in Article 41 have been met.

C. The Director shall send referrals to applicable agencies, prepare a report and schedule a public hearing before the Planning Commission.
Section 41.25 - Procedure for Review

A. The procedure for review and approval of a planned unit development requires making application for a conditional use permit and a public hearing by the Hood River County Planning Commission pursuant to provisions in Article 60, Hood River County Zoning Ordinance. The Commission shall determine whether the request is complete and complies with at least the following provisions:

1. Applicable provisions of Article 41 - Planned Unit Development.

2. Applicable elements of the County Comprehensive Plan (County Background Report, County Policy Document, County Subdivision and Zoning Ordinances, County Plan and Zoning Maps).

3. The parent zoning designation.

4. County Planning Department's report and referral comments from applicable agencies, special districts, and the cities of Hood River and Cascade Locks.

B. Only after affirmative findings are presented addressing the above provisions, shall the Commission approve or conditionally approve the preliminary planned unit development plan. If affirmative findings cannot be made, the Commission will deny the application or require further information to substantiate affirmative findings.

C. Approval of the preliminary planned unit development shall be binding on both the County and the applicant. However, no construction shall commence on the

D. The decision of the Planning Commission is final unless an appeal is filed within 15 days with the Director of Records & Assessments, or if three members of the Board of Commissioners order review within 15 days of the Planning Commission's action.

Section 41.30 - Preliminary Planned Unit Development Application Requirements

A preliminary development plan shall be prepared and submitted to the Hood River County Planning Department and include at least the following information:

A. A letter of intent to initiate a planned unit development.

B. A written statement setting forth the sources of water supply, methods of sewage disposal, fire protection, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas, lands to be devoted to various uses, and unit densities per net acre and per gross acre.

C. A schematic drawing, drawn to a minimum scale of one inch equals two hundred
feet (1" = 200') showing the general relationship contemplated among all public and private uses and existing physical features.

D. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

E. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.

F. A plot plan for each building site and common open space area, showing the approximate location of building structures and other improvements and indicating the open space around buildings and structures.

G. Elevation or perspective drawing of proposed structures.

H. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.

2. The stages in which the project will be built, and the date when construction of each stage can be expected to begin. Buildings shall conform to the Uniform Building Code as of the date of issuance of the building permit.

3. The anticipated rate of development.

4. The approximate dates when each stage of development will be completed.

5. The area location and degree of development of common open space that would be provided in each stage.

I. Agreements, provisions or covenants which cover the use, maintenance and continued protection of the planned unit development in any of its common open space areas.

J. The following plans and diagrams:

1. An off street parking and loading plan.

2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development, and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.

3. A landscape and tree plan.
K. A written statement which is part of the preliminary plan shall contain the following information:

1. A statement of the present ownership of all land included within the planned unit development.

2. A general indication of expected schedule of development.

L. A letter designating the professional design coordinator.

**Section 41.35 - Planned Unit Development Standards**

A. **Density in Excess of Parent Zone:**

1. Planned unit developments proposed in urban growth boundaries may result in a density of 33% in excess of density requirements of the parent zone.

2. Planned unit development proposals outside urban growth boundaries may result in a density 25% in excess of density requirements of the parent zone.

3. If the County finds that any of the following conditions would be created resulting from the above density increases, it will either prohibit any increase in density, or limit the increase in density by an amount, which is sufficient to avoid the creation of any of the following conditions:

   a. Inconvenient or unsafe access to the planned unit development.

   b. Traffic congestion in the streets, which adjoin the planned unit development.

   c. An excessive burden on sewage, water, parks, recreational areas, schools, or other public facilities, which serve or are proposed to serve the planned unit development.

B. **Common Open Space Land:**

1. Land shown on final development plan as common open space shall be conveyed to an association of owners or tenants, created as a non-profit corporation under the laws of the state. The homeowners association shall adopt and impose articles of incorporation and by-laws, and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continued care of the space. The association shall be formed and continued for the purpose of maintaining the common open space.
2. Open space shall be usable.

3. At least 40% of the gross project area shall be devoted to common open space.

C. **Dimensional and Bulk Standards:**

1. The minimum lot area, width, frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from planned unit development exterior property lines as required by the zone shall be maintained.

2. The building's off street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of a development in the zone.

3. The maximum building height shall not exceed building heights prescribed in the zone in which the planned unit development is proposed.

D. **Accessory Uses of the Planned Unit Development:** In addition to conditional uses and accessory uses allowed in the parent zone, additional accessory uses approved as part of a planned unit development may include the following areas: (1) golf course; (2) private park, lake or waterway; (3) recreation area; (4) recreational building, clubhouse or social hall; (5) other accessory structures which are designed to serve primarily the residents of the planned unit development and are compatible.

E. **Combination Commercial/Residential Development:**

1. Commercial service supported mainly from the planned unit development on parcels of land, which are suitable for, and of sufficient size.

2. Based upon the Planning Commission's affirmative findings, the uses are primarily for the servicing and convenience of residents within the development and the immediate neighborhood.

3. Commercial uses will not change or alter the predominant residential character of the planned unit development.

4. The amount of commercial use to be established by the Planning Commission.

F. **Completion:**

1. The applicant must begin and complete the planned unit development within two years of the date of final development plan approval, or within provisions
of an approved phase schedule established by the Planning Commission.

2. If the two year time limit of phasing schedule are not complied with, the PUD shall be reviewed by the Planning Department and a recommendation given to the Planning Commission recommending the planned unit development be revoked, the planned unit development be extended, or that the planned unit development be amended. The applicant shall be given notice of the pending review. The Planning Commission review will be conducted pursuant to Article 60.

Section 41.40 - Approval of Final Planned Unit Development

A. The final development plan shall be submitted to the Director within six months of the date of approval of the preliminary development plan by the Commission. The Director may extend for six months the period for filing the final development plan. After review, the Director shall approve the final development plan if he finds the plan is in accordance with the approved preliminary development plan.

B. Deviations from the approved preliminary development plan shall require the plan to be re-examined by the Planning Commission pursuant to Article 60 (public hearing).

C. Within 30 days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Hood River County Department of Records & Assessments. The final approved development plan shall continue to control the planned unit development after the project is completed.

D. After the Building Official issues the certificate of completion, no change shall be made in development contrary to the approved final development plan, except as follows: (1) Minor modifications of existing buildings or structures; and (2) A building or structure that is totally or substantially destroyed may be reconstructed.

E. An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the County as reflected by the Comprehensive Plan or related land use regulations. Amendments shall be processed pursuant to Article 60 (public hearing).

F. Failure to comply with the approved final development plan or any conditions of approval will result in the Commission, after giving notice and conducting a hearing, revoking building permits issued for the final development plan.
Section 42.00 – Purpose and Intent

The purposes and intent of the Stream Protection Overlay Zone are:

A. To implement the goals and policies of the Hood River County Comprehensive Plan for the protection and conservation of fish and wildlife areas and habitat, and rivers, streams and riparian areas.

B. To protect and restore Hood River County’s water areas, streams and riparian areas, thereby protecting and restoring the hydrologic, ecologic and land conservation functions these areas provide.

C. To accommodate the historical lateral migration of stream channels due to natural processes.

D. To protect water areas, fish habitat, adjacent riparian areas and to control erosion, limit sedimentation, and reduce the effects of flooding.

E. To establish clear and objective standards that allow reasonable economic use of property while protecting fish-bearing streams and their riparian areas.
F. The Stream Protection Overlay Zone is intended to meet the requirements of Statewide Planning Goal 5 (Natural Resources) and the provisions of the Goal 5 administrative rule (OAR 660, Division 23) for riparian corridors. These provisions require that significant riparian corridors be protected. The requirements in this Article are based on the “safe harbor ordinance” approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8).

**Section 42.02 – Definitions**

A. **Agricultural Activities and Farming Practices:** The raising or production of livestock or livestock products, poultry or poultry products, milk or milk products, fur-bearing animals; or for the production of crops such as, but not limited to, grains, small grains, fruit, vegetables, forage grains, nursery stock, Christmas trees; or any other agricultural or horticultural use or animal husbandry or any combination thereof whether for profit or not. These practices are regulated to protect water quality under ORS 561.191, ORS 568.900 through 568.933, and OAR 603 Division 95.

B. **Bankfull Stage / Ordinary High Water Mark:** The elevation at which water overflows the natural banks of rivers and streams and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from upland vegetation (e.g. oak, Douglas fir) to bare soil or substrate, a change in vegetation from upland (e.g. oak, fir) to aquatic (e.g. willows, rushes), a textural change of depositional sediment or changes in the character of the soil (e.g. from upland soils to sand, sand and cobble, cobble and gravel), absence of fine debris (needles, leaves, cones, seeds), or the presence of waterborne litter and debris, water-stained leaves or water lines on tree trunks.

C. **Base Zone:** One of the categories of land use into which the land area of the county is divided, such as residential, farm or forest use.

D. **Fish Bearing:** Waterways upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

E. **Forest Practice:** Any commercial operation conducted on or pertaining to forestland that is regulated by the Oregon Forest Practices Act (ORS Chapter 527), including but not limited to:
   1. Reforestation of forestland;
   2. Road construction and maintenance;
   3. Harvesting of forest tree species;
   4. Application of chemicals; and
   5. Disposal of slash.

F. **Impervious Surface:** Any surface where material is applied which prevents absorption of water into the ground.
G. Lawn: Grass or similar materials generally maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

H. Maintenance: Periodic repair or upkeep of a structure in order to maintain its function. Maintenance does not include any modification that changes the footprint of the structure, or increases the adverse impact to the riparian corridor.

I. Native Vegetation: Plant species indigenous to Hood River County. The County will maintain a list of native plants.

J. Non-conforming Structure or Use: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion or re-construction may be regulated.

K. Overlay Zone: A zoning designation that includes allowances and/or requirements for activities in addition to those of the underlying base zone.

L. Riparian Area: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem, beginning at the bankfull stage of the river, lake, or stream and extending upland.

M. Riparian Corridor: A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

N. Significant Riparian Corridor: A riparian corridor that has been identified by Hood River County as meeting Goal 5 significance criteria.

O. Significant Wetland: A wetland that has been identified by Hood River County as meeting the Goal 5 significance criteria in Oregon Administrative Rules 141-86-0300 to 0350.

P. Stream: A channel that carries flowing surface water and was created naturally by geological and hydrological processes, including channels that would be natural but for human-caused disturbances (e.g., channelized, rerouted or culverted streams, or impounded waters), including perennial streams and intermittent streams with defined channels, and excluding irrigation and drainage channels that are human-created.

Q. Stream Protection Overlay Zone: Has the same meaning as “significant riparian corridor”.

R. Structure: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite
manner and which requires location on the ground or which is attached to something having a location on the ground.

S. **Wetland:** An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Section 42.05 – Applicability**

The Hood River County Stream Protection Overlay Zone shall be implemented as reflected in the Hood River County Comprehensive Plan, Article 42 of the Hood River County Zoning Ordinance and County zoning maps.

A. This Article applies to all streams, or portions thereof, identified on the Hood River County Fish-Bearing Streams Maps.

B. This Article does not apply to streams or lakes within the Mount Hood National Forest, the Columbia River Gorge National Scenic Area (CRGNSA), or the Hood River and Cascade Locks urban growth areas.

C. Structures or uses that do not conform to the standards of this ordinance which have been in continuous existence from prior to the date of adoption of this ordinance up to the present are not considered violations and are generally allowed to continue. Expansion of non-conforming structures or uses in Stream Protection Overlay Zones is subject to the requirements of this Article.

D. The Stream Protection Overlay Zone requirements are in addition to the requirements of the base zone and other Hood River County ordinances. In cases of conflicting or overlapping requirements, the more restrictive requirements shall apply.

**Section 42.10 – Exempt Activities**

The following activities within Stream Protection Overlay Zones are not required to meet the standards of this section:

A. Forest practices regulated by the Oregon Forest Practices Act.

B. Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces, that are regulated by the Oregon Department of Agriculture to protect water quality and are on lands zoned for farm or forest use.

**Section 42.20 - Stream Protection Overlay Zone Locations**

The Hood River County Fish-Bearing Streams Inventory contains information on stream locations, stream flows, and fish presence and maps of fish-bearing streams. Based on the information contained in the inventory and maps, Stream Protection Overlay Zones are
Article 42 – Stream Protection Overlay

established as follows and as depicted in Figure 1:

A. Along all streams with average annual stream flow of 1,000 cubic feet per second (cfs) or greater the Stream Protection Overlay Zone shall extend 75 feet upland from the bankfull stage, measured horizontally, except as specified in paragraph C of this section.

B. Along all fish-bearing streams with an average annual stream flow less than 1,000 cubic feet per second (cfs), the Stream Protection Overlay Zone shall extend 50 feet upland from the bankfull stage, measured horizontally, except as specified in paragraph C of this section.

C. If the Stream Protection Overlay Zone identified in paragraph A or B of this section includes all or portions of a significant wetland identified in the Comprehensive Plan, the Stream Protection Overlay Zone shall include the significant wetland and extend upland the distance specified in paragraphs A or B of this section, measured horizontally from the edge of the significant wetland.

D. General locations of Stream Protection Overlay Zones are shown on the Hood River County Fish-Bearing Streams Maps.

1. Property owners can request site inspections by county planning staff to determine more precisely the location of Stream Protection Overlay Zone boundaries for land use applications and for assistance in complying with the provisions of this Article.

2. Land use applications for properties in Stream Protection Overlay Zones shall include scaled maps showing the locations of rivers and streams, their bankfull stage locations and the boundaries of the Stream Protection Overlay Zone(s). The County may require that supporting information be submitted by qualified professionals such as a hydrologist or professional land surveyor.

3. Property owners who believe that errors in mapping have resulted in the location of a Stream Protection Overlay Zone on their property may request a map correction. Requests shall be in writing and shall include scaled maps showing the locations of rivers and streams, their bankfull stage locations, the boundaries of Stream Protection Overlay Zone and property boundaries and other information necessary to support findings that the mapping is in error. The County may require that information be submitted by qualified professionals such as a hydrologist or professional land surveyor.

E. The Hood River County Fish-Bearing Streams Maps may be updated to incorporate new information on fish presence and use of waters from the Oregon Department of Fish and Wildlife.
Section 42.25 – Allowed Activities

The following activities in Stream Protection Overlay Zones are allowed provided they are conducted in accordance with the standards in Section 42.30:

A. Continued maintenance and use of areas developed at the date of adoption of this Article or its amendments, although such use does not conform to these provisions. However, if such a use is discontinued for a period of one year, any such future use of such areas shall comply with the provisions of this Article. “Developed” means areas such as lawns, ornamental plantings, gardens, orchards, crop land and improved pastures or hayfields that are no longer dominated by native vegetation. Expansion of existing developed areas is not permitted within the Stream Protection Overlay Zone. New development activities shall not justify replacement of native vegetation with lawn or other non-native vegetation in Stream Protection Overlay Zones.

B. Maintenance and use of buildings, roads, fences, shoreline stabilization and flood control structures, and other structures that existed prior to the date of adoption of this ordinance or that were previously approved under this Article.

C. Replacement or improvement of existing structures with structures in the same location that do not disturb additional Stream Protection Overlay Zone surface area.

D. Structures or other alterations existing fully or partially within the Stream Protection Overlay Zone may be expanded provided the expansion can occur outside the Stream Protection Overlay Zone.

E. Planting of native vegetation.
F. Removal of non-native vegetation and replacement with native plant species.

G. Removal of noxious weeds and plants (including poison oak) consistent with County or State regulations.

H. Vegetation mowing or management consistent with County or State regulations for the prevention of fire hazards.

I. Cutting of individual trees in danger of falling and posing a hazard to life or property. Landowners and operators are encouraged to leave trees, once felled, in the riparian area to improve fish and wildlife habitat, if no hazard will be created.

J. Incidental removal of understory vegetation associated with temporary activities including recreation, education, scientific research, environmental restoration and land survey.

K. Paths. The use of permeable surfaces is encouraged.

L. Fence construction that does not include mechanized land clearing.

M. Installation, operation and maintenance of irrigation pumps regulated by the Oregon Water Resources Department.

N. Drainage facilities and utilities.

O. Water-related and water-dependent uses.

P. Streets, roads, driveways and bridges where no other locations outside the Stream Protection Overlay Zone exist and that are designed to minimize intrusion into the Stream Protection Overlay Zone.

**Section 42.30 – Standards for Activities in Stream Protection Overlay Zones**

The following standards apply to proposed land uses and activities in Stream Protection Overlay Zones:

A. The proposed activity is allowed under the requirements of the base zone.

B. No other practicable options or locations outside the Stream Protection Overlay Zone are feasible for the proposed activity on the subject parcel.

C. The proposed activity shall be designed, located and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities shall be located as far from rivers and streams, and use as little of the surface area of the Stream Protection Overlay Zone,
D. Excavation, grading and vegetation removal shall be avoided within the Stream Protection Overlay Zone on stream beds or banks within the bankfull stage, in wetlands, and on slopes of 25 percent or greater, except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.

E. The removal of vegetation in the Stream Protection Overlay Zone is limited to the minimum amount necessary to accommodate the activity.

F. The following standards shall apply when construction activity is proposed in areas where vegetation is to be preserved within the Stream Protection Overlay Zone.

1. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation. Temporary construction fencing should be placed at the drip line of trees bordering the work area. No equipment maneuvering, staging or stockpiling shall occur outside of designated work areas.

2. Trees shall not be used as anchors for stabilizing equipment.

3. Stockpiling of soil, or soil mixed with vegetation, shall not be permitted on a permanent basis. Temporary storage shall employ erosion control measures to ensure sediments are not transported to adjacent surface waters (see section X.30.H for guidance).

G. Water, drainage and sewer systems shall be designed, located and constructed to avoid the infiltration of floodwaters into the system, and to avoid accidental discharges to rivers, streams and wetlands.

H. Erosion control measures shall be employed to ensure sediments are not transported to adjacent surface waters. Erosion control measures shall be installed prior to site preparation or ground-disturbing activities, where applicable. Access roads, staging areas, storage areas and other areas of temporary disturbance necessary to complete the proposed activity shall be restored as soon as possible. Erosion control measures shall be in place concurrently with construction or establishment of the proposed activity. Temporary measures used for initial erosion control shall not be left in place permanently. Guidance on appropriate erosion control measures is contained in the Department of Environmental Publication Best Management Practices for Storm Water Discharges Associated With Construction Activities (DEQ Northwest Region 2003, or current upgrade). A copy of this document is available for review at the Hood River County Planning Department.

I. Revegetation activities should follow these guidelines:

1. Revegetation should include ground cover, understory and tree canopy layers unless the site soils or substrate do not typically support the growth of one or
more vegetation layers.

2. Native plant species indigenous to Hood River County should be used. A list of native plant species and native plant material sources is maintained by Hood River County.

3. Planting densities and species composition should be consistent with native riparian area plant communities in the immediate vicinity. Use of a reference site (a nearby site with an intact native riparian plant community) as guidance for developing a revegetation plan is recommended.

4. A large revegetation project should include a planting plan map and description of the proposed plant species, size of plant materials, number of plants, spacing and installation methods.

5. Native plant species that do not survive the first two years after planting should be replaced.

**Section 42.40 – Prohibited Activities Within Stream Protection Overlay Zones**

Except for those activities listed in this Article as exempt or allowed, the following activities are prohibited within Stream Protection Overlay Zones:

A. Cutting, clearing or removal of live native vegetation.

B. Ground alteration, grading, excavation, or the placement of fill material in riparian areas.

C. Construction, installation or placement of new structures or impervious surfaces in riparian areas.

D. Dumping, disposal or storage of materials, including but not limited to, garbage, yard debris, construction debris, vehicles or hazardous materials.

E. Construction activity or creation of temporary roads in riparian areas.

F. Creation of a parcel that would be wholly within the Stream Protection Overlay Zone and would result in an unbuildable parcel due to the stream protection overlay zone setback requirements of this Article, unless the parcel is included in a conservation easement that prohibits development on the site.

G. Creation of a parcel that would be partially within the Stream Protection Overlay Zone and would result in an unbuildable parcel due to the combination of the stream protection overlay zone setback requirements of this Article, other requirements of the Zoning Ordinance and natural constraints of the site, unless the parcel is included in a conservation easement that prohibits development on the site.
Section 42.50 – Exceptions

In cases where a property owner believes the application of this Article renders an existing lot or parcel unbuildable, a property owner may apply for an Exception. Applications for Exceptions shall be reviewed under the procedures in Article 72 (Planning Director’s Review Procedure). Granting of an Exception requires findings that satisfy the following criteria:

A. The proposed development requires deviation from the Stream Protection Overlay Zone requirements and cannot reasonably be located on the property entirely outside the Stream Protection Overlay Zone; and

B. The application of the requirements of this Article without an Exception, would prevent reasonable economic use of the property consistent with the base zone requirement; and

C. The Exception shall allow only the minimum deviation from the Stream Protection Overlay Zone requirements necessary to render the existing lot or parcel buildable, as allowed in the base zone; and

D. The Exception shall be conditioned to meet the standards in Section 42.30 to the extent possible.

Section 42.55 - Hardship Variances

In cases where a property owner believes the application of this Article imposes a hardship by precluding an expansion of a lawfully established building or structure, a property owner may apply for a Hardship Variance. Applications for a Hardship Variance shall be reviewed under the procedures in Article 72 (Planning Director’s Review Procedure). Granting of a Hardship Variance requires findings that satisfy the following criteria:

A. The existing building or structure is located partially or entirely within the Stream Protection Overlay Zone; and

B. The proposed expansion requires deviation from the Stream Protection Overlay Zone requirements and cannot reasonably be located on the property entirely outside the Stream Protection Overlay Zone; and

C. The expansion may occur only on the side of the structure away from the stream unless impracticable; and

D. The Hardship Variance shall be conditioned to meet the standards in Section 42.30 to the extent possible.

Section 42.60 – Compliance With State and Federal Regulations

Activities wholly or partially within Stream Protection Overlay Zones are subject to all applicable federal and state regulations, including, but not limited to, Division of State Lands
permit requirements under the Removal-Fill Law, U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act and Department of Environmental Quality permit requirements for stormwater under the Clean Water Act and state water quality regulations. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

Section 42.70 – Violations

Activities within Stream Protection Overlay Zones not authorized under this Article are a violation. The County shall seek compliance with the requirements of this Article and the resolution of violations through the following procedures:

A. Voluntary cooperation to resolve violations is the preferred enforcement procedure when appropriate to the circumstances. Violations causing ongoing degradation of natural resources or repeated violations by the same individual, firm or corporation are generally not appropriate for voluntary cooperation enforcement procedures.

B. Natural resource restoration shall be required for violations that result in unauthorized construction, grading, excavation, placement of fill material, or removal of native vegetation in a Stream Protection Overlay Zone. The purpose of the restoration requirements shall be to mitigate impacts to vegetation, soils and hydrology and may include vegetation planting, fill removal, backfilling of excavated areas, restoration of ground surface contours, restoration of hydrological processes or other actions. Restoration recommendations shall be solicited from the Oregon Department of Fish and Wildlife and the Hood River County Soil and Water Conservation District.

C. Violations involving placement of fill material, excavation, grading or alteration of material within the bankfull stage of a stream or in a wetland shall be reported to the Oregon Division of State Lands.

D. Failure of an individual, firm, or corporation to remedy a documented violation shall be processed in accordance with the provisions of Article 70 (Enforcement).
ARTICLE 43 - ENVIRONMENTAL PROTECTION ZONE (EP)

Section 43.00 - Purpose and Intent
To provide protection and maintenance of soil stability, overall water quality, watersheds, natural drainage areas, fish and wildlife habitat and natural areas. The purpose of the EP Zone is also to permit the qualification of lands for preferential taxation assessment. The zone is applied to areas which if developed may be hazardous to human life and cause economic hardship or dislocation. The Environmental Protection Zone is used to implement the Environmental Plan designation and can also be used as an overlay or combining zone.

Section 43.10 - Permitted Uses
A. Low intensity recreation, agriculture, and water use (irrigation).

B. Culverts, utilities and/or other necessary roadway crossings provided substantial alteration to stream floodplain areas does not occur. If substantial alteration is proposed, compliance with Article 44 - Floodplain Zone is required.

C. Uses proposed in areas either designated Floodplain, Floodplain Hazard or Geologic Hazard shall be subject to applicable provisions in either Article 44 – Floodplain Zone or Article 45 - Geologic Hazard Zone.

Section 43.20 - Other Conditions to Use and Occupancy
Uses not listed above but allowed in the base zone may be allowed provided affirmative findings are presented to the Planning Director that the proposed development complies with the following conditions:

A. Proposed development has been approved by a registered (State of Oregon) engineer, geologist or architect.

B. Subsurface sewage disposal drainfield shall be set back a minimum of 100 feet from the ordinary high water mark of streams.

C. All applicable requirements and standards of the base zone shall be met

D. Empty chemical, pesticide, herbicide, insecticide or rodenticide containers shall be disposed of as outlined in Oregon Administrative Rule 340-63-130 (Chapter 340, Division 63 - DEQ).

E. Use of fill material, which inhibits stream, flood flow and/or endangers other property will not be permitted.
F. Permits shall not be issued to remove common varieties of mineral materials not locatable under mining laws.

G. Lands, which are determined to be unsuitable to develop, may be used for computation of density allowance.

H. Timber harvesting along streams shall be conducted in compliance with forest practices as defined and regulated under the Oregon Forest Practices Act (January 10, 1980).

Section 43.30 - Development Standards

A. Maximum Height: 35-feet

B. Setbacks, minimum:

1. Front: 50-feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

2. Rear: 20-feet.

3. Side:
   • Interior: 10-feet
   • Exterior, side or corner lot: 50-feet from the centerline of any street.

4. Setbacks between buildings: 10-feet minimum.

5. Accessory farm buildings may be located within 10 feet of the rear property line.

6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by the base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.
ARTICLE 44 - FLOODPLAIN ZONE (FP)
(Effective 11/4/87)

Section 44.00 - Purpose & Intent
The purpose of the Floodplain Ordinance is the protection of life and property from natural disasters and hazards. The intent of the ordinance is to: (1) minimize expenditures of public money and costly flood control projects; (2) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public; (3) minimize damage to public facilities and utilities; (4) insure that potential buyers are notified that property is in the floodplain; (5) insure that those who occupy the floodplain area assume responsibility for their actions; and (6) insure applicable property owners are adequately insured.

The Floodplain Zone implements the Environmental Protection Plan designation and can be used as an overlay zone in areas not planned or zoned Forest or Primary Forest.

Section 44.05 - Definitions

A. AREA OF SPECIAL FLOOD HAZARD: Means lands in the Floodplain as identified on the County Zoning Map as Floodplain and zoned Floodplain (FP). Lands in the floodplain are subject to a 1% or greater chance of flooding in any given year (see Floodplain definition below).

B. BASE FLOOD: Means the flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the 100-year floodplain. The area designated Floodplain (FP) on the County Zoning Map.

C. DEVELOPMENT: Means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area designated Floodplain on the County Zoning Map.

D. FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normal dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

E. FLOOD INSURANCE RATE MAP (FIRM): Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. This includes the
areas designated Floodplain on the County Zoning Map. These maps are available in the Hood River County Planning Department.

F. FLOODPLAIN: Means land in the floodplain as identified by sources listed in Section 44.10 - Ordinance Applicability, and zoned Floodplain by Hood River County. The County Zoning Map boundary shows the approximate outline. A base flood which reaches this boundary has 1% chance of occurring each year, commonly referred to as the 100-year flood. This is also called the area of Special Flood Hazard by the Federal Emergency Management Agency (FEMA).

G. FLOODWAY: Means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1'.

H. LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 44.50 - Floodplain Standards.

I. MANUFACTURED HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, or other similar vehicles. Also see Article 16 - Mobile Home Parks, etc. Zone, Section 16.05 - Definitions.

J. STRUCTURE: Means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

Section 44.10 - Ordinance Applicability
The Floodplain Ordinance applies to lands zoned Floodplain on the County Zoning Map. The following primary sources were used to designate the Floodplain, and are adopted as elements of the Hood River County Comprehensive Plan: (1) Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM) September 24, 1984;¹ (2) State of Oregon, Department of Geology & Mineral Industries Bulletin #91, Geologic Hazards of Parts of Northern Hood River, Wasco & Sherman Counties, 1977, and State Geologic Hazard Maps accompanying that report, prepared by J.D. Beaulieu, 1977; and (3) Hood

¹. The FEMA 1984 Maps Supersede the HUD December 6, 1977 Maps.
Article 44 – Floodplain Zone

River County Generalized Floodplain Report, U.S. Department of Agriculture, Soil Conservation Service, 1975. Copies of the above sources are available for review in the Hood River County Planning Department.

Section 44.15 - Use of Other Base Flood Data
When base flood elevation data has not been provided pursuant to Section 44.10 - Ordinance Applicability, the applicant shall obtain and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, in order to comply with applicable provisions in Section 44.50 Floodplain Standards.

Section 44.20 - Applicant's Burden of Proof
The burden is upon the applicant to provide affirmative documented findings demonstrating compliance with all provisions of this ordinance. The applicant is responsible for retaining either an engineer, architect, hydrologist or geologist (all licensed in Oregon), who will be responsible for demonstrating through written documented findings of compliance with provisions of this ordinance.

Section 44.25 - Planning Director Responsibility
The County Planning Director or his designate will administer and ensure all Floodplain Development Permit applications comply with provisions of this ordinance.

Section 44.30 – Columbia River Gorge National Scenic Area
All permit applications within the Scenic Area will be sent to the Scenic Area Manager for review and comment.

Section 44.35 - Disclaimer of Liability:
On rare occasions, large floods can and will occur. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the area zoned Floodplain, or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of Hood River County, or any official or employee, for any flood damage that results from reliance on this ordinance or any administrative decisions pursuant to this ordinance.

Section 44.40 - Permitted Uses
The following uses are permitted within the floodplain, but not within the floodway. Uses proposed within the floodway must comply with Section 44.45 Floodplain Development Permit.

A. Farm use, other than dwellings, barns, and storage buildings.
B. Small private boat docks, landings for pleasure (not commercial use); but not including incidental buildings.

C. Parks, playgrounds, but not including incidental buildings.

D. Golf courses, driving ranges; but not including incidental buildings.

E. Private airports, not including structures.

F. Truck storage and rental, not including structures.

G. Temporary rock, sand and gravel storage, not including structures.

H. Timber harvesting along streams shall be conducted in compliance with forest practices as defined and regulated under the Oregon Forest Practices Act (January 10, 1980).

Section 44.45 - Floodplain Development Permit
A Floodplain Development Permit shall be obtained before construction or development begins within the floodplain, including floodway, as established pursuant to Section 44.10 - Ordinance Applicability. A Floodplain Development Permit is required for all structures, manufactured homes, and development as defined in Section 44.05 - Definitions. Applicants shall retain one of the following Oregon licensed individuals who is responsible for demonstrating through written documentation (report) of compliance with the requirements of this ordinance, specifically Section 44.50 - Floodplain Standards: engineer, architect, hydrologist, or geologist. Application may include but not be limited to the following information:

A. Scaled site plan showing the characteristics, location, dimensions, and site elevation; existing or proposed structures, development including fill, storage of materials, etc.

B. General elevation to mean sea level of building site.

C. Distance between ground elevation and level to which the proposed structure is to be flood-proofed.

D. Description of the extent to which a water course(s) will be altered or relocated as a result of development, structures, etc.
Section 44.50 - Floodplain Standards

Applicants for Floodplain Development Permits shall demonstrate through written documented affirmative findings of compliance with the following standards. A County building permit will not be issued unless all provisions of the Floodplain Ordinance have been affirmatively addressed by the applicant's representative.

A. ARTICLE 44 - FLOODPLAIN ZONE ORDINANCE: Compliance with all applicable provisions of Article 44 - Floodplain Zone, Hood River County Zoning Ordinance, prior to making application for a Hood River County building permit.

B. AGENCY REFERRALS: Compliance with permits and approvals of all applicable local, state and federal agencies.

C. INTERPRETATION OF FLOODPLAIN BOUNDARIES: Presentation of documented evidence of the exact location of the floodplain and floodplain boundary and the location of the proposed or existing construction or development.

D. BASE FLOOD ELEVATION DATA: Provide documented evidence identifying the base flood elevation data (in relationship to mean sea level). The sources noted in Section 44.10 - Ordinance Applicability, do not contain base flood elevation data, consequently the following base information is required of the applicant:

1. Record the actual elevation (in relationship to mean sea level) of the lowest floor (including basement) of whole new or improved pre-existing structures.

2. Whether or not the structure contains a basement.

3. Applicant is required to elevate development, etc., at least 2 feet above the base flood elevation data. This information will be obtained and maintained in the applicant's file by the Hood River County Planning Department and will be available for public inspection.

E. ELEVATION DATA NOT AVAILABLE: When elevation data has not been provided in accordance with Section 44.10 - Ordinance Applicability, or from another authoritative source, the applicant is responsible to assume through a licensed professional (engineer, architect, hydrologist or geologist), that the proposed building construction, development, or structures will be reasonably safe from flooding. The test of reasonableness includes use of historical data, high
Article 44 – Floodplain Zone

water marks, photographs or past flooding, etc., where available. Failure to elevate at least 2 feet above grade may result in higher insurance rates.

F. ALTERATIONS OF WATER COURSE:

1. Notification of adjacent cities (e.g., Cascade Locks and Hood River) or communities (e.g., Odell, Parkdale, Mt. Hood, etc.) and the State Floodplain Coordinator, and other applicable state and local agencies prior to obtaining a building permit and prior to any alteration or relocation of a water course, and also submit notification to the Federal Insurance Administration.

2. Provide maintenance within the altered or relocated portion of the watercourse to insure that the flood carrying capacity is not diminished.

G. SUBDIVISION PROPOSALS:

1. Shall be consistent with the need to minimize flood damage;

2. Shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. Shall have adequate drainage provided to reduce exposure to flood damage; and

4. When base flood elevation data has not been provided or is not available, it shall be provided pursuant to Section 44.50 - Floodplain Standards, subparagraph D. or E., for subdivision proposals and other proposed developments, which contain at least 50 lots or 5 acres (whichever is less).

H. BUILDING & SANITATION STANDARDS: Applicant's representative to contact the Building Official and County Sanitarian to insure the following applicable standards are completed:

1. ANCHORING:

   a. All construction and improvements shall be anchored to prevent flotation, collapse or lateral movement or a structure.

   b. All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that
minimize flood damage. Anchoring methods may include, but are not limited to use of over the top or frame ties to ground anchors, or as specified by the County Building Official.

c. All construction and improvements shall be constructed using methods and practices that minimize flood damage.

d. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. RESIDENTIAL CONSTRUCTION:

a. Construction and improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation by 2 feet.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on the interior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:

   (1) A minimum of two openings have a total net area of not less than one square inch for each square foot of enclosed area subject to flooding shall be provided.

   (2) The bottom of all openings shall be no higher than 1 foot above grade.

   (3) Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. All manufactured homes to be improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequate anchored foundation system in accordance with the provisions of the County Building Official.
3. NONRESIDENTIAL CONSTRUCTION: Construction and improvement of any commercial, industrial, or nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attending utility and sanitary facilities shall:

   a. Be flood proofed so that below the flood level the structure is watertight with walls substantially impermeable to the passage of water.

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

   c. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described above.

   d. Applicants flood proofing nonresidential buildings are notified that flood insurance premiums will be based on rates that are 1 foot below the flood proof level (e.g. building constructed to the base level will be rated as 1 foot below that level).

4. UTILITIES: Applicant or his representative is required to contact the County Sanitarian and insure the following standards are completed:

   a. All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

   b. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the floodwaters;

   c. On-site waste disposal shall be located to avoid impairment to them or containment from them during flooding; and

   d. Subsurface sewage disposal drain fields shall be set back a minimum of 100-feet from the ordinary high water mark of the stream.

I. OTHER:

   1. Property access for emergency vehicles will be provided to the proposed site(s).
2. Chemical pesticide or herbicide containers shall not be stored within 300 feet of any watercourse.

3. Compliance with water quality goals, policies, strategies, and land use designations and standards noted in the County Policy Document under Goal 5.

4. No building or subsurface sewage disposal system shall be allowed in the surface drainage basin of Crystal Springs in that area east of the springs to Highway 35, or 1,200 feet, whichever is closer, except for protection and maintenance by Crystal Springs Water District.

**Section 44.55 - Site Development Standards**

Same as those required in the base zone or:

A. Maximum Height: 35 feet.

B. Setbacks, minimum:

1. Front: 50 feet from the centerline of any local street, or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street, or 20 feet from the right-of-way line, whichever is greater.

2. Rear: 20 feet.

3. Side: Interior lot: 10 feet. Exterior, side or corner lot: 50 feet from the centerline of any street.

4. Setbacks between buildings: 10 feet minimum.

5. Accessory farm buildings may be located within 10 feet of the rear property line.

6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by each base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.
C. WATER COURSE SETBACKS: All new buildings shall be set back 100 feet from ordinary high water mark except for those uses in conjunction with water related or water dependent use. Exceptions to this requirement shall be allowed when affirmative findings through documentation are made and submitted to the Planning Director to satisfy the following: (1) the proposal would provide better protection, maintenance and retention of riparian vegetation than would occur by observance or the setback requirement; or (2) the protection, maintenance, and retention of riparian vegetation are not applicable to the proposal.
**ARTICLE 45 - GEOLOGIC HAZARD ZONE (GH)**

***Section 45.00 - Purpose & Intent***

The purpose of the GH Zone (Geologic Hazard) is to identify existing or potential local geological hazards and to take precautions or restrict development in the interests of preventing hazards from causing harm to people or property. The Geologic Hazard Zone is utilized to implement the Environmental Protection Plan designation. The GH Zone can be used as an overlay zone. The Geologic Hazard Zone (GH) applies to geologic hazards identified by the State of Oregon, Department of Geology & Mineral Industries in Bulletin #91, Geologic Hazards of Parts of Northern Hood River, Wasco & Sherman Counties, 1977, and on State Geologic Hazard Maps accompanying that report prepared by J.D. Beaulieu, 1977.

The Geologic Hazard Zone (GH) does not apply to geologic features shown on Geology Maps that accompany Bulletin #91.

***Section 45.10 - Boundaries***

The boundaries of the designated Geologic Hazard areas shall be as they appear on the official zoning maps kept on file with the County Planner. A copy of the maps shall also be kept in the office of the Oregon Department of Geology & Mineral Industries.

***Section 45.20 - Permitted Uses***

The following types of uses are permitted but not including permanent structures or incidental buildings:

A. Farming and Accepted Timber Practices;

B. Parks, playgrounds;

C. Golf courses, driving ranges;

D. Picnic grounds;

E. Wildlife and nature preserves;

F. Target, trap and skeet ranges;

G. Hiking trails;

H. Airports or airstrips;

I. Truck and storage rental; and

J. Rock, sand and gravel storage, but not including quarry operations.
**Section 45.30 - Limitations on Use**
The following types of uses are permitted subject to signing the Hood River County Geologic Hazard Waiver Form (Appendix "A" to this Zone), review and approval by the Building Official and obtaining, if necessary, a Land Use and Building Permit. If the provisions in this section cannot be met, the use will be denied.

A. At least the following detached accessory uses that are 20 feet from a pre-existing dwelling or a dwelling approved under provisions in Section 45.40 below, or are placed in locations where in the estimation of the Building Official and the property owner the use will not cause harm to people or property: (1) private garage; (2) carport; (3) storage shed; or (4) patio cover.

B. Accessory structures for farming and accepted timber practices except dwellings and quarry operations.

C. Repair, maintenance and additions considered appurtenant to a preexisting dwelling and its accessory use(s) or a dwelling approved under Section 45.40 and its accessory use(s). Items include the following (list is not exclusive): (1) concrete slabs, driveways and sidewalks; (2) masonry repair; (3) painting; (4) non-bearing partitions; (5) shelving; (6) cabinet work; (7) gutters and down spouts; (8) replacement or repair of siding; (9) replacement and repair of roofing; and (10) plastic glazed windows.

**Section 45.40 - Other Conditions to Use and Occupancy**

A. Uses not enumerated in Section 45.20 and permitted in the base zone may be established, altered, or enlarged providing at least one of the following conditions exist and signing of the Hood River County Geologic Hazard Waiver Form (Appendix "A" to this zone) and obtaining a Land Use and Building Permit.

1. A certified professional engineer (licensed in Oregon), geologist, hydrogeologist, or other professional competent in geology prepares a report stating that no harm to the development or land will be caused by the proposed development or geologic hazard.

2. A certified professional engineer (licensed in Oregon), geologist, hydrogeologist, or other professional competent in geology prepares a report stating a geologic hazard does not actually exist in the area of proposed development.

3. A certified professional engineer (licensed in Oregon), geologist, hydrogeologist, or other professional competent in geology prepares a report stating a hazard does exist including the type, method, and materials for physical improvements which could significantly reduce the likelihood of personal harm or property in the area due to geological hazards. At a minimum the reports required under Subsection A., 1., 2., and 3., shall contain the following information:
4. At a minimum the reports required under Subsection A., 1., 2., and 3., shall contain the following information:

   a. A scaled map at 1 inch = 200 feet scale, with contour intervals of 10 feet, north arrow, property lines, cultural features, geologic formation, slope, diagrammatic section of geology, and other factors as necessary.

   b. An analysis report (based on field check) explaining the geologic hazard, geomorphology, groundwater, soil suitability, specific hazard characteristics both short and long term, and related matters as necessary.

B. Uses permitted and the improvements associated with such uses shall be subject to the following criteria:

   1. The development of permitted uses and improvements will not substantially increase the specific hazard potential.

   2. Any subsurface sewage disposal system or individual well for the proposed site will not become a health hazard during the future hazard activity.

C. The information required in paragraphs A and B above must be submitted to and approved by the Geological Hazard Technical Review Committee (County Planner, Building Inspector, Sanitarian, Engineer, with assistance from the State Geologist at the Department of Geology and Mineral Industries or its successors). The Committee may approve, conditionally approve, or deny the request based on the ordinance requirements. The Committee may establish conditions on approval which are designed to minimize public and private loss of life and property.

Section 45.50 - Site Development Standards

A. Same as those required in the base zone or as required by the approval under this Article (45) or as follows:

B. Maximum height: 35 feet

C. Setbacks, minimum:

   1. Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.
2. Rear: 20 feet.

3. Side:
   Interior: 10 feet.
   Exterior, side or corner lot: 50 feet from the centerline of any street.

4. Setbacks between buildings: 10 feet minimum.

5. Accessory farm buildings may be located within 10 feet of the rear property line.

6. Minimum lot size for new lots or parcels: Compliance with one of the following: (a) as required by each base zone; or (b) must be consistent with the requirements of the predominant adjacent (abutting) zone.

7. Vision clearance: Vision clearance for corner lots shall be a minimum of 35 feet.
APPENDIX "A"

GEOLOGIC HAZARD WAIVER FORM - HOOD RIVER COUNTY
EXHIBIT TO LAND USE OR BUILDING PERMIT NO.__________

DATED__________

Property Descriptions

Hood River County Map No.________________________________________
Tract No.__________________________

Addition,        Block__________________________
____Lot__________________________

or Deed Volume No._______________________________________ Page____________

The owner and/or contractor understand that the property for which the attached building permit is issued, may be located within an area of Hood River County that has been identified in the Comprehensive Plan as a Geologic Hazard area and zoned Geologic Hazard. In consideration of the issuance of the permit, the owner and/or contractor agree that the County shall not be liable for any damage, loss, expense, cost or inconvenience which either or both of them may suffer if there is an earth movement which affects the structure for which this permit is issued, or which affects the property on which it is designated to be located. The owner and/or contractor further understand and agree that the issuance of this permit and the acceptance of it by them shall operate as a disclaimer of all responsibility and liability on the part of the County for any of the foregoing.

__________________________, 20______________

Owner________________________________________

Contractor____________________________________

Subscribed and sworn to before me this ______day of ___________________, 20______

________________________________________
Notary Public for State of Oregon

My commission expires________________________________
ARTICLE 46 - SURFACE MINING ZONE (SM)
(Effective 3/23/84)

Section 46.10 - Purpose and Intent
The purpose of this zone is to allow surface mining and processing that meets specified criteria; to protect the public from the noise, dust, vibrations, danger, and unsightliness that often relates to surface mining and processing; and to rehabilitate surface mining and processing sites and return them to the character and use of the former plan designation or base zone. The Surface Mining Zone can be used to implement the Surface Mining designation or can be used as an overlay zone in areas not planned or zoned Forest.

Section 46.15 - Applicability
The Surface Mining Zone may be used only outside of the Hood River Urban Growth Boundary in areas designated Surface Mining and in all zones except zones so specified in the Zoning Ordinance text (all Residential and Commercial Zones).

Section 46.20 - Procedures

A. Where the Surface Mining Zone is used as an overlay zone or to implement the Surface Mining Plan designation, the uses prescribed in 46.25 shall be permitted subject to the standards of this article and all other applicable federal, state and local statutes, rules and ordinances. In the case of an overlay zone, the zoning symbol shall constitute the "base zone" and a SM suffix shall constitute the combining zone indicating the added uses and standards provided in this article.

B. In order to apply the SM Combining Zone or SM Zone onto any land for the purpose of initiating or expanding an operation described in Section 46.25, the owner of such land shall provide the Planning Commission with an application which shall include, at a minimum the following:

1. All information requested by the Oregon Department of Geology and Mineral Industries for new operations;

2. A map showing all properties and land uses within 100 yards of the land to be zoned SM;

3. A site plan showing the location of all buildings and structures, a transportation and parking arrangement which facilitates safe and convenient circulation and adequate parking, the location of all mining and processing operations including storage of materials and equipment, and the location of all fences, plantings, and/or berms; and

4. A description of the fence, planting and/or berm screening and all gates.

C. The Planning Commission will hold a public hearing pursuant to Article 60 to consider any application for the SM Combining Zone. Additional limitations on use
and/or dimensional standards may be imposed at the hearing in order to achieve the purpose and intent of this combining zone.

**Section 46.25 - Permitted Uses**
The following uses are permitted:

A. Any use permitted in the base zone.
B. Extraction from deposits of sand, gravel, rock, earth, or minerals.
C. Sand, gravel, rock, earth, or mineral processing.
D. One residence for caretaker, owner, or operator.
E. Stockpiling.
F. Asphalt paving mix plant.
G. Cement concrete plant.
H. Rock crushing.
I. Accessory building, structure, or use.

**Section 46.30 - Limitations on Use**

A. All operational and rehabilitation requirements described in ORS 517.019-.990, OAR 632-30-000 through 060, and all other applicable federal and state statutes and rules shall apply.

B. Screening. In order to mitigate potential sight, dust, and noise intrusion, as well as danger to trespassers, a site obscuring fence, dense conifer planting (trees shall be at least two feet tall at time of planting), or landscaped berm no less than six feet in height shall be maintained along the entire length of all mining or processing site boundaries adjacent to residential or commercial land uses, or any arterials or collectors. Openings in the fence, planting, or berm will be allowed only where necessary for safe ingress and egress. A locking gate shall be constructed at all such openings.

C. Termination. At the time of a Surface Mining Combining Zone application hearing, the Planning Commission shall determine termination date of allowed uses pursuant to Section 46.25 B. through I. At the termination date, the combining zone shall be relinquished. Henceforth, the base zone shall apply to the area.

**Section 46.35 - Dimensional Standards**
A. No building, structures, or use, which may cause nuisance due to noise, dust, vibrations, danger, or unsightliness shall be within 200 feet of a residential or commercial zone or any arterial street.

B. All dimensional standards applicable to the base zone.

**Section 46.40 - Site Development Standards**

Compliance with the Site Development Standards required by the base zone (i.e., setbacks for front, rear, side and between buildings; off-street parking, minimum lot or parcel size, and vision clearance) or compliance with site development requirements of the predominant surrounding and adjacent zone.
Article 47 – Health Hazard Overlay Zone (HH)  
(Adopted May 6, 2002)

47.10 Purpose  
The purpose of the Health Hazard Overlay Zone is to ensure that sewer systems installed in areas declared as public health hazards, as a result of a sewage problem, are designed and constructed to the minimum size necessary to serve the health hazard area and are restricted to those uses specifically allowed under the current Oregon Administrative Rules regarding Goal 11.

47.20 Applicability  
This article applies to all areas declared as public health hazards in accordance with OAR 660-011-0000 and which a sewer system is installed or extended in order to mitigate that health hazard. This article becomes effective for a given health hazard area upon approval of the sewer system.

47.30 System Design  
Any sewer system required to mitigate a documented health hazard shall be designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060, except for urban reserve areas as provided under OAR 660-021-0040(6).

47.40 Permitted uses  
All uses which were permitted at the time the sewer system was approved for the base zones located within the health hazard area continue to be permitted uses unless the proposed use conflicts with section 47.50 of this article. Additionally, pre-existing, non-conforming uses will not be affected by the establishment of a health hazard area.

47.50 Limitations on use  
   a. Restrictions on sewer service: In accordance with OAR 660-011-0060(4)(b)(D), the sewer system which has been installed to abate the health hazard shall not serve any user/use that was not an existing use or an allowed use under the pre-sewer system zoning as reflected in the Background Document portion of the comprehensive plan.
   b. Rural use: In accordance with OAR 660-011-0060(4)(b)(E), the sewer system which has been installed to abate the health hazard shall not serve any use that is not rural in nature consistent with Goal 14 and OAR 660-004-0018 unless an exception has been taken under Goal 14 or the parcel/lot is within an Unincorporated Community or unless the use was in existence at the effective date of this ordinance.
   c. Residential use: In accordance with OAR 660-011-0060(4)(b)(F), the sewer system which has been installed to abate the health hazard shall not be used as an authority for allowing a higher density of residential development than would have been authorized without the presence of the sewer system.

47.60 Conditional uses  
All Conditional Uses which were permitted under the base zones located within the health hazard area continue to be permitted conditional uses unless the proposed conditional use conflicts with Section 47.50 of this article.

47.70 Prohibited Uses  
All uses which were prohibited under the base zones located within the health hazard area continue to be prohibited uses. This prohibition does not apply to pre-existing, non-conforming uses.
47.80 Site development standards
New structures and dwellings shall be subject to the applicable standards contained in the base zones of the health hazard area. Additionally, any sewer installation on lands zoned Exclusive Farm Use (EFU) within the health hazard area shall comply with OAR 660-011-0060(4)(b)(G) whereas a determination shall be made that the system installation satisfies ORS 215.296(1) or (2) to protect farm practices, except for systems located in the subsurface of public roads and highways along the public right of way.
ARTICLE 50 - BUFFER REQUIREMENTS

Section 50.10 - Purpose and Intent
To protect the public health, safety, and welfare of the County's rural population by separating farm and forestry uses from non-farm and non-forest use dwellings within and on the boundaries of Exclusive Farm Use (EFU), Forest (F-1) and Primary Forest (F-2) zones. More specifically, to help protect residences from orchard and forest spray drift, dust and noise as well as feedlot and dairy odor and unsightliness, and to help protect farm and forest operators from fire, trespass, vandalism and complaints concerning above conflicts.

Section 50.15 Applicability

A. This Article shall apply to all proposed dwellings and subdivisions that are within or directly adjacent to Exclusive Farm Use (EFU), Forest (F-1), and Primary Forest (F-2) zones except dwellings located on and directly associated with farm uses, hardship dwellings in conjunction with a pre-existing nonconforming dwelling, and certain replacement dwellings as described in Section 3.15(A) or Section 4.10 (A).

B. This Article does not apply to accessory buildings that are detached from the dwelling.

Section 50.20 - Site Plan
Prior to the issuance of a building permit or subdivision preliminary plat approval, a site plan shall be prepared by any landowner or developer intending to build an applicable dwelling (as described in Section 50.15.) This map shall include:

A. A description and evaluation of all potential conflicts between intended development and adjacent farm or forest use(s) or zone along each lot line. Prevailing winds, existing vegetation, topography, and all other circumstances that may contribute to, or help prevent, conflict must be considered.

B. Any setback fence, berm, elevation raise, or vegetation required potential in 50.45. Included shall be the nature and location of setbacks, existing and proposed vegetation and/or fence, and all other measures used to reduce potential conflict between the proposed development and the adjacent land use.

C. The Site Plan shall be prepared at scale. The Planning Department recommends a scale of one inch to 100 feet. A written text may accompany the Site Plan.
Article 50 – Buffer Requirements

Section 50.25 - Deed or Contract Statement

A. Before a building permit is granted for a new dwelling to which this article is applicable, in or adjacent to an exclusive farm use zone, the following notification statement shall be added to the deed of the property on which the new dwelling is to be constructed:

"Grantee and his/her heirs, legal representatives, assigns, and lessees hereby acknowledged by the placement of this covenant or the acceptance and recording of this instrument that the property herein described is situated in an agricultural zone or area in Hood River County, Oregon and as such may be subjected to common, and accepted farming, practices, such as orchards, for the operation of an orchard, which includes pesticide and herbicide spraying, weed cutting, irrigating gopher baiting orchard heating, bin storage, and any other accepted orchard practice. Said practices above enumerated ordinarily and necessarily produce noise, dust, spray residue smudge smoke, vapor, and other types of visual, odor, or noise pollution, which grantee accepts as a normal and necessary farming practice and as part of the risk of purchasing a residential dwelling, in a farm area."

B. Before a building permit is granted for new dwelling in or adjacent to a forest zone, the following notification statement shall be added to the deed of the property on which the new dwelling is to be constructed:

"Grantee and his/her heirs, legal representatives, assigns and lessees hereby acknowledged by the placement of this, covenant or the acceptance and recording of this instrument that the property herein described is situated in or adjacent to a forest zone in Hood River County, Oregon, and as such may be subjected to common and accepted timber practices for the operation of a commercial forest, which includes pesticide and herbicide spraying cutting, clear cutting, slash burning, and any other accepted timber practice. Said practices above enumerated ordinarily and necessarily produce noise, spray residue, vapor, and other types of visual, odor, or noise pollution, which grantee accepts as a normal and necessary timber practice and as part of the risk of purchasing a residential dwelling in a forest zone."

Section 50.30 - Administration

The Site Plan shall be submitted to the Planning Director prior to building permit or tentative Subdivision Plat approval. The Planning Director's decision to approve or deny the Site Plan will be based upon the map's accuracy and the Buffer Requirements in 50.45. All buffer requirements shall be completed by the applicant within one-year after a building permit is issued or approval of the Final Subdivision Plat.

Section 50.35 - Variances

A. If existing vegetation, topography and/or other conditions effectively accomplish the
Article 50 – Buffer Requirements

purpose and intent of the buffer requirements on a particular parcel, some or all of the requirements outlined in Section 50.45 may be Ministerially (Type I) waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20

B. If a particular parcel's physical limitations makes it physically impossible to apply some or all of the applicable buffer requirement outlined in Section 50.45, some or all of the requirements shall be Ministerially (Type I) waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20. In no case shall the buffer requirements preclude a lot from being buildable.

Section 50.40 - Appeals
Decisions of the Planning Director are final unless appealed to the Planning Commission within 15 days of the decision. The Planning Commission shall hear the appeal using the procedures outlined in Article 60.

Section 50.45 - Buffer Requirements

A. If proposed dwelling or subdivision is to be adjacent to an orchard, feedlot, or dairy, the landowner or developer shall provide:

1. An 80-foot perimeter setback between the dwelling(s) and all lot lines which abut said farm use; and

2. In the case of subdivisions, additional setback, planting, berm, and/or fence may be required if the Planning Director, Planning Commission, Board of Commissioners finds that Section 50.35(A) and (B) are not sufficient to preclude the conflict of the site.

B. If proposed dwelling or subdivision is to be located within or adjacent to an EFU zone and adjacent to land receiving farm tax deferral for any farm use except those described in Section 50.45(A), the landowner or developer shall provide: a 50 foot setback along all lot lines contiguous with such lands.

C. If proposed dwelling is to be adjacent to a commercial forest use and within or adjacent to a forest zone, the landowner or developer shall provide an 80 foot setback along all lot lines contiguous with such land.

D. All proposed dwellings located within or adjacent to a forest zone shall provide a maintained fire break.
Article 50 – Buffer Requirements

SITE PLAN

INDICATE ON SKETCH:

1. North arrow
2. Indicate Scale (1"=200' or better)
3. Size and location of all existing and proposed buildings
4. Address of existing buildings
5. Domestic water supply within 100 ft.
6. Bodies of water within 200 ft. and geographic features
7. Property lines with exact dimensions and lot size
8. Distance between buildings and property lines
9. Adjacent roads (include names) and access roads
10. Sewage drainfield
11. Show parking, circulation and fire vehicle turnaround
12. Existing or proposed fencing and vegetative buffers
13. Property corner grade elevations, contour lines at 2' intervals
   when more than 4' elevation differential
14. Additions - show proposed additions in dotted lines
15. All easements (access, utility, irrigation, etc.)
16. Driveways
17. Porches/decks/carports/accessory buildings
**ARTICLE 51 – Off-Street Loading and Parking**

**ARTICLE 51 - OFF-STREET PARKING AND LOADING**

**Section 51.10 - Off-Street Parking**

At the time or erection of a new structure at the time of enlargement or change in use of an existing structure as set forth, off-street parking spaces shall be provided in accordance with this section. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season including proprietors.

<table>
<thead>
<tr>
<th>Use</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Residential</td>
<td></td>
</tr>
<tr>
<td>1. Dwelling:</td>
<td>One space per dwelling unit.</td>
</tr>
<tr>
<td>2. Residential hotel;</td>
<td>Four spaces per five guest accommodation.</td>
</tr>
<tr>
<td>rooming or boarding house:</td>
<td></td>
</tr>
<tr>
<td>B. Commercial residential</td>
<td></td>
</tr>
<tr>
<td>1. Motel:</td>
<td>One space per guest room or suite, plus one additional space for the owner or manager.</td>
</tr>
<tr>
<td>2. Club; lodge:</td>
<td>Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.</td>
</tr>
<tr>
<td>C. Institutional</td>
<td></td>
</tr>
<tr>
<td>1. Welfare or correctional:</td>
<td>One space per five beds for institution patients or inmates.</td>
</tr>
<tr>
<td>2. Convalescent hospital,</td>
<td>One space/two beds for patients or inmates.</td>
</tr>
<tr>
<td>nursing home, sanitarium</td>
<td></td>
</tr>
<tr>
<td>rest home, home for the aged:</td>
<td></td>
</tr>
<tr>
<td>3. Hospital:</td>
<td>Three spaces per two beds.</td>
</tr>
<tr>
<td>D. Place of public assembly</td>
<td></td>
</tr>
<tr>
<td>1. Church:</td>
<td>One space for four seats or eight feet bench length in the main auditorium.</td>
</tr>
</tbody>
</table>
2. **Library; reading room:** One space per 400 square feet of floor area plus one space per two employees.

3. **Preschool nursery; kindergarten:** Two spaces per teacher.

4. **Elementary or junior high school:** One space per classroom plus one space per: administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.

5. **High school:** One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.

6. **Other auditorium; meeting:** One space per four seats or room: eight feet of bench length.

### E. Commercial Amusement

1. **Stadium; arena; theater:** One space per four seats or eight feet of bench length.

2. **Bowling alley:** Five spaces per alley plus one space per two employees.

3. **Dance hall; skating rink:** One space per 100 square feet of floor area plus one space per two employees.

### F. Commercial

1. **Retail store except as provided in subsection (B) of this subsection:** One space per 200 square feet of floor area.

2. **Service or repair shop retail store handling exclusively bulky merchandise such as automobiles and furniture:** One space per 600 square feet of floor area.

3. **Bank; office (except medical** One space per 600 square feet of space per
ARTICLE 51 – Off-Street Loading and Parking

and dental): area plus one two employees.

4. Medical and dental clinic: One space per 300 square feet of floor area plus one space per two employees.

5. Eating or drinking establishment: One space per 200 square feet floor area.

6. Mortuaries: One space per four seats or eight feet of bench length in chapels.

7. Weddings & Related Events: One space per three guests.

G. Industrial:
   1. Storage warehouse; One space per employee.
   manufacturing establishment;
   rail, or trucking freight terminal:

   2. Wholesale establishment: One space per employee plus one space per 700 square feet of patron serving area.

H. For uses not specifically listed under Section 51.10(A) through (G) above, the number of required parking spaces shall be based on either of the following:

   1. A comparable use from the above list, as determined by the Planning Director; or

   2. A recommendation from the County Engineer, a qualified traffic engineer, or other similar professional based on the Institute of Transportation Engineers’ (ITE) Parking Generation Manual or other similar publication.

Section 51.20 - Off-Street Loading

A. Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

B. Merchandise, materials or supplies. Buildings or structures to be built or substantially altered 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. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if
elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

**Section 51.30 - General Provisions (Off-Street Parking and Loading)**

A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No zoning permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the zoning permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Use of property in violation hereof shall be violation of this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

B. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

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 to the zoning administrator in the form of deeds, leases, or contracts to establish the joint use.

D. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.

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 the business or use.

F. Unless otherwise provided, required parking spaces in a R-1 or R-2 zone shall not be located in a required front yard.

G. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the zoning administrator.
ARTICLE 51 – Off-Street Loading and Parking

H. Design requirements for parking lots:

1. Areas used for standing and maneuvering of vehicles shall have durable and dustless, but not necessarily paved, surfaces maintained adequately for all weather use.

2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

4. Groups of more than four parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.

5. Lighting of the parking area shall be deflected from a residential zone.

I. Completion time for parking lots, required parking spaces shall be improved and available for use by the time the use served by the parking is ready for occupancy.

Section 51.40 – Bicycle Parking

New developments shall include bicycle parking as follows:

A. Multi-Family Residences. Every multi-family residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.

B. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.

C. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

D. Commercial Zones. In commercial zones with on-street parking, bicycle parking for customers shall be provided along the street at a rate of at least one space per land use.
Spaces may be clustered to serve up to six (6) bicycles; at least one cluster per block shall be provided. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 5 feet. Bicycle parking is not required to be sheltered.

E. Rural Schools, Service Centers, and Industrial Parks. For schools, service centers, and industrial parks located 5 or more miles from the closest urban area or rural residential subdivision with a density of more than one dwelling unit per 20 acres, a minimum of two bicycle parking spaces per use shall be required.

F. Bicycle Parking. The following formulas for calculating the number of required bicycle parking spaces shall be used:

1. Fractional numbers of spaces shall be rounded up to the next whole space.

2. For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.
# Article 53 – Home Occupations, Short-Term Rentals, Marijuana & Psilocybin Businesses

**ARTICLE 53 - HOME OCCUPATIONS, SHORT-TERM RENTALS & MARIJUANA BUSINESSES**

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Section 53.10 - Purpose & Intent
The purpose of this Home Occupation Ordinance shall be to prescribe procedures under which a home occupation may be permitted outright or as a conditional use in the County. The intent of the Home Occupation Ordinance is to recognize and provide opportunities for small-scale commercial uses operated out of an existing dwelling or, under certain circumstances, accessory building by a resident of a lot or parcel that do not unreasonably interfere with other permitted uses occurring on adjacent lands.

Section 53.15 - Definitions

A. Home Occupation is defined in Article 1.

B. Home occupations proposed inside the City of Hood River's Urban Growth Boundary shall comply with Article 17 (Section 17.04.100).

Section 53.20 - Permitted Uses

A. Home occupations that are not a short-term rental or marijuana business are permitted in the following zones pursuant to compliance with the provisions in the zones in which the use is proposed: Commercial Zone (C-1), Rural Unincorporated Community Commercial (RUC-1) Zone, Mt. Hood Unincorporated Community Commercial Zone (MH-C1), Industrial Zone (M-1), and Light Industrial Zone (M-2).

B. Short-term rental home occupation uses are subject to the provisions contained in Section 53.40 et seq. and not Section 53.30.

C. Marijuana businesses are subject to the provisions contained in Section 53.70 et seq. and not Section 53.30.

D. An in-home commercial activity is not considered a home occupation and may not require a land use or conditional use permit where all of the following criteria can be met. Coordination and permits with other agencies may be required.

1. Is conducted within a dwelling only by residents of the dwelling.
2. Does not occupy more than 25-percent of the combined floor area of the dwelling.
3. Does not serve clients or customers on-site or allow on-site retail sales.
4. Does not include the on-site advertisement or display, other than vehicle or trailer signage.
5. Does not generate additional traffic or parking beyond what normally occurs in the
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applicable zoning district.
6. No materials or mechanical equipment are used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
7. Does not include the outside storage of materials, equipment or products.
8. Complies with federal or state guidelines, rules and regulations.
9. If complaints are received that the activity unreasonably interferes with other uses permitted in the zone in which the property is located, per the discretion of the Planning Director a land use or conditional use permit may be required.

Section 53.25 - Conditional Uses

A. The following conditional uses are required to comply with provisions in Article 72 (Planning Director's Review Procedure) and Section 53.30:

1. A home occupation proposed in the following zones in an existing dwelling or pre-existing building on the same lot or parcel as the resident's dwelling: Residential Zone (R-1), Rural Residential Zone (RR), and Rural Center Zone (RC).

2. Expansion or change in use of home occupations or one or two person businesses existing prior to the adoption date of this Ordinance (see Section 53.35 Non-conforming Use).

B. Home occupations in the Forest Zones (F-1 and F-2) and Exclusive Farm Use (EFU) Zone are subject to Section 53.30 and respective Conditional Use Review Criteria contained in Articles 3 and 4 (Sections 3.05 and 4.05).

Section 53.30 - Home Occupation Standards
A home occupation shall comply with the following requirements:

A. The use shall be operated as a home occupation by a resident of the property on which the home occupation is located and employs on the site no more than five full-time or part-time persons at any given time. A home occupation shall be operated substantially in:

1. The dwelling; or
2. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or short-term rental units unless they are legal residences and applicable residency requirements are met.
A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located, and is a secondary use, incidental, accessory or subordinate to the residential uses or the existing building.

B. A submitted application shall contain, at minimum, 1) a detailed site plan and floor plan, 2) specificity on the nature of the use, and 3) narrative addressing how the standards below are met.

C. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature. There shall be no visible evidence of conduct of a home occupation from any road or adjacent property, except for one sign, up to 12 square feet may be permitted.

D. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

E. All off-street parking must be provided on the subject parcel where the home occupation is operated.

F. Only limited retail sales and sales accessory to services associated with the home occupation are permitted.

G. The existence of a home occupation shall not be justification for a plan and zone change to commercial or industrial use.

H. Approval is personal to the applicant and shall not run with the land or another individual.

I. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit or other building.

J. Compliance with applicable requirements of the zone in which the use is located.

K. Pre-existing building must be located on the same parcel or lot as the dwelling in which the persons engaged in the home occupation reside.

L. No more than one home occupation shall be permitted in conjunction with any dwelling or parcel, except as allowed under Article 56 (B&B Facilities) and Article 73 (Home Occupations to Host Weddings and Related Events).
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M. Any unauthorized change or departure in the use of an approved home occupation shall require additional review by the County Planning Department and may be grounds for revocation.

N. Complies with Federal, State and Local laws. Non-compliance with any of these laws can result in the home occupation being terminated.

Section 53.35 - Nonconforming Use
Any proposed expansion or change in use of either a home occupation or one or two person business in operation prior to the adoption date of this Ordinance shall be subject to the requirements of this Ordinance, including Article 65 (Non-Conforming Use), and a Type II review. In the event of a denial of such application, the home occupation or one or two-person business shall be allowed to continue as originally approved, as a nonconforming use, unless the use has been discontinued for 1 year or more.

SHORT-TERM RENTALS

Section 53.40  Short-Term Rental Purpose
The purpose of this section is to regulate short-term rentals to protect the integrity of resource lands, to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rentals, and to protect the public health, safety and general welfare of individuals and the community at large.

Section 53.44  Short-Term Rental Use Table
Short-term rentals are permitted as home occupations as specified for each of the different zoning districts, subject to the following review Type and regulations:

A. Type I (Ministerial Action) and Type II (Non-Ministerial or Administrative Action) are review types defined in Article 1 - Definitions.

B. “C” means the use is a Conditional Use, approval of which is subject to Section 3.05 or 4.05, Conditional Use Review and other listed criteria.

C. “P” means the use is Prohibited.

D. “Subject To” column identifies provisions in this Ordinance to which the use is subject.

E. In addition to the provisions listed under the “Subject To” column below, all permitted and conditionally permitted uses are also subject to the applicable short-term rental
provisions (Sections 53.48 - 53.68) and other applicable Articles of the Hood River County Zoning Ordinance.

### Table 53.44  **Summary of Use Table for Short-Term Rentals**

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Review Type</th>
<th>Subject To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Zone (F-1)</td>
<td>C (Type II)</td>
<td>Article 4; Section 4.05 Section 53.60(A)</td>
</tr>
<tr>
<td>Primary Forest Zones (F-2)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Exclusive Farm Use (EFU); High Value</td>
<td>C (Type II)</td>
<td>Article 3; Section 3.05 Section 53.60(A)</td>
</tr>
<tr>
<td>Exclusive Farm Use (EFU); Non-High Value</td>
<td>C (Type II)</td>
<td>Article 3; Section 3.05 Section 53.60(A)</td>
</tr>
<tr>
<td>Residential (R-1)</td>
<td>Type I</td>
<td></td>
</tr>
<tr>
<td>Rural Residential (RR)</td>
<td>Type I</td>
<td></td>
</tr>
<tr>
<td>Hood River Urban Growth Area (UGA)</td>
<td></td>
<td>Article 17</td>
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<tr>
<td>Commercial (C-1)</td>
<td>Type I</td>
<td></td>
</tr>
<tr>
<td>Rural Center (RC)</td>
<td>Type I</td>
<td></td>
</tr>
<tr>
<td>Rural Unincorporated Community (RUC-1)</td>
<td>Type I</td>
<td></td>
</tr>
<tr>
<td>Mt. Hood Unincorporated Community Commercial (MH-C1)</td>
<td>Type I</td>
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<tr>
<td>Industrial (M-1)</td>
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<td></td>
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<tr>
<td>Industrial (M-2)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Airport Development (AD)</td>
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<tr>
<td>Natural Area (NA)</td>
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<td></td>
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<tr>
<td>Overlays: SPO, EP, FP, GH, HHO</td>
<td>P</td>
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</tr>
<tr>
<td>National Scenic Area</td>
<td></td>
<td>Article 75</td>
</tr>
</tbody>
</table>

### Section 53.48  **Short-Term Rental Grandfathering Provisions**

An existing short-term rental located in the Residential (R-1), Rural Residential (RR), or Rural Center (RC) zones shall be considered exempt from the requirements of Sections 53.52(A) (*Residency Requirement*), while an existing short-term rental located in the Exclusive Farm Use (EFU) or Forest (F-1) zones shall be exempt from the requirements of Section 53.60(A) (*Farm/Forest Tax Deferral Requirement*), subject to the following:

A. Documentation is provided confirming that the short-term rental is currently in operation and complies with one of the following:
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1. Prior to August 20, 2018, the existing short-term rental was registered with and paying Transient Room Tax (TRT) to the County Department of Budget and Finance; or

2. Prior to August 20, 2018, the property owner made an application with the County for a short-term rental permit, which was either approved by the County but appealed or voluntarily withdrawn prior to a decision being made; or

3. Prior to August 20, 2018, the existing short-term rental was being assessed by the County Department of Records and Assessment and paying additional Personal Property tax as a result of their short-term rental business.

B. A short-term rental that is deemed grandfathered pursuant to the provisions of Subsection (A) above shall be allowed to continue to operate for an additional 7 years from the effective date of this amended Ordinance, subject to following:

1. Submitting an application for a Type I permit (Type II permit for a previously unpermitted STR in the EFU or F-1 zones) pursuant to the provisions of this amended Ordinance within 90 days of it becoming effective, and obtaining subsequent approval; and

2. Failure to submit an application within the timeframe provided under Subsection (B)(1) above will result in the existing short-term rental losing its right to be considered a grandfathered use, unless otherwise allowed by the County Planning Director based on extraordinary circumstances, subject to a Type II review.

Section 53.52 Short-Term Rental Permit Required
An owner shall obtain a revocable short-term rental permit prior to using or allowing another person to use the dwelling unit as a short-term rental and shall comply with the following requirements:

A. Except in the Commercial (C-1), Rural Unincorporated Community Commercial (RUC-1), or Mt. Hood Unincorporated Community Commercial (MH-C1) zones, the short-term rental shall be operated by a resident of the property and out of the dwelling that serves as the operator’s domicile, as defined in Article 1 of this Ordinance. To demonstrate proof of residency, the operator shall provide a copy of their Federal and/or State income tax return from the most recent tax year (page 1 only with financial data redacted) and at least one of the following documents:

1. Current Oregon voter registration;
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2. Current Oregon driver’s license;
3. Hood River County Community Identification Card.

B. Only one short-term rental per parcel shall be permitted.

C. The short-term rental permit shall be renewed every two-years by December 31 thereafter. Failure to maintain and renew the short-term rental permit shall be considered abandonment of use.

D. The short-term rental permit is not transferable to a new owner or operator. If the property is transferred or sold, the new owner will need to re-apply for a short-term rental permit.

E. The short-term rental permit does not relieve the owner of the obligation to pay County Transient Room Taxes (TRT) and Personal Property tax. Non-compliance will result in revocation of the permit.

G. The Planning Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary.

H. If the terms of the short-term rental permit are not met, the permit may be revoked and the owner subject to enforcement and Class I or Class II penalties per Article 1 or any amendments thereto.

I. The County will monitor and enforce unpermitted short-term rentals through periodic review and audits. An unpermitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1, Chapter 1.08 (Code Enforcement) of this Ordinance, and Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.56 Short-Term Rental Permit Application Requirements

An application for a short-term rental permit shall be completed on the form provided by the County and shall include the following information:

A. Property Owners and Operators – A list of all the property owners and, if applicable, operators of the short-term rental including names, addresses and telephone numbers.

B. Affidavit of Adjacent Property Owner Notification – The applicant of a short-term rental shall provide, in writing to adjacent neighbors within 250-feet, a local telephone number,
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name, and address of a property manager who will accept and handle complaints immediately relating to tenant activities. Notice for conditional use permit applications in resource zones shall be completed by County Planning in accordance requirements identified in ORS 215 et seq.

C. Site Plan – A site plan, drawn to scale, showing the location of buildings, septic systems, required parking, access, etc.

D. Floor Plan – A floor plan showing the interior layout of the dwelling, including the number of bedrooms proposed for rent.

E. Property Management Plan – A property management plan demonstrating how the short-term rental will be managed and how impacts to neighboring properties will be minimized; specifically, nuisances, parking and garbage. The property management plan shall also include the name, address and telephone number of local points of contacts available to respond immediately to complaints and promptly remedy any violation of these standards.

F. Environmental Health – Issue Authorization Notice to use Existing Septic System per OAR 340-071-0205. Review of Drinking Water source per OAR 333-061 and Travelers’ Accommodation Licensing per ORS 446.320.

G. Assessor – Proof County Assessor has been notified.

J. Proof of Insurance – Include certification of insurance coverage.

K. Certify Accuracy – Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.

L. Other – Other information as requested by the County.

Section 53.60 Short-Term Rental Standards
All short-term rentals shall meet the following standards:

A. Resource Lands (EFU and F-1 Forest zones) – A short-term rental may only be permitted to operate in the EFU and F-1 zones on a parcel not receiving farm or forest deferral from the County.

B. Accessory Buildings – Short-term rentals shall be operated within the primary dwelling of the subject property only. Outbuildings, including agricultural buildings, farm worker
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housing, accessory dwelling units, tiny homes, and other lawful dwellings on the property, shall not be used or converted for use as a short-term rental. Additionally, no recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter shall be used and/or occupied in conjunction with the short-term rental.

C. Incidental and Subordinate – The primary use of the dwelling proposed for use as a short-term rental shall remain residential and shall not be rented out a predominance (i.e., more than 180 days) of the year. This standard shall not apply to parcels zoned Commercial (C-1), Rural Unincorporated Community Commercial (RUC-1), or Mt. Hood Unincorporated Community Commercial (MH-C1).

D. Appearance and Identification – The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road.

E. Occupancy Limits – The maximum occupancy for each short-term rental unit shall be calculated on the basis of two (2) persons per bedroom, plus two additional overnight occupants.

F. Parking – The short-term rental shall have one onsite parking space per each bedroom unit with a minimum of two parking spaces required. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. The garage shall continually be available for guest parking as long as the short-term rental permit is valid. All required parking spaces shall be provided on the parcel where the short-term rental is operated.

G. Access – Road access to the short-term rental shall meet minimum County and/or local fire district road standards and shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic.

H. Nuisances and Garbage – The short-term rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked on the property or along adjacent roadways. Said provisions shall be documented in the Property Management Plan.

I. Pets – Pets shall be secured at all times while on the property and nuisance barking by pets is prohibited.
J. **Signage** – No on or off-premise signage advertising the short-term rental is permitted.

K. **License and Permit Requirements** – The short-term rental permit and permit number issued by Hood River County shall be prominently and permanently displayed inside the unit near the front entrance of the rental and shall list the name, address and phone numbers of the property owner and/or operator, and, if applicable, the designated local contact. The permit number shall also be displayed in all advertising.

L. **Employees** – A short-term rental operator may utilize up to five outside employees, such as housekeepers, property managers, landscapers, etc., to assist in operating the facility.

M. **Federal, State & Local Laws** – The short-term rental shall meet all applicable State and local health, safety laws and building codes.

N. **Transient Room Tax** – Proof of registration for County TRT certification shall be provided to County Planning prior to operating a short-term rental or within 90 days of issuance of a final short-term rental permit for those already in operation.

O. **Building Safety** – Proof of satisfactory completion of an inspection performed by the Hood River County Building Department shall be provided to County Planning prior to operating a short-term rental or within 90 days of issuance of a final short-term rental permit for those already in operation.

P. **Commercial Events** – No weddings or commercial related events shall occur in conjunction with operating an approved short-term rental.

Q. **Alteration or Expansion** – No permitted short-term rental may be altered or expanded to accommodate additional guests, unless otherwise permitted through a separate application.

**Section 53.64 Short-Term Rental Compliance**

All complaints shall proceed as follows:

A. The complaining party shall first attempt to communicate with the owner/operator and/or local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;

B. The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance with the permit;
C. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the County Planning Department and Code Compliance program, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the county; and

D. The County Planning Department/Code Compliance program shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within 10 days. A copy of the complaint will be filed with the short-term rental permit.

E. A permitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 of this Ordinance, Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.68 Short-Term Rental Revocation
A permit for a short-term rental may be revoked subject to the procedures identified Article 1 Section 1.140 Extensions, Enforcement/Revocation. The Planning Director may immediately revoke all short-term rental permits from the owner upon three (3) violations of the permit or this Article.

MARIJUANA BUSINESSES

Section 53.70 Marijuana Businesses Purpose & Intent
This section describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Hood River County. The purpose of this section is to:

- Establish reasonable time, manner and place requirements for new business that produce, process, wholesale or retail marijuana.
- Provide clear and objective standards for marijuana businesses.
- Minimize conflict with other permitted uses in underlying zones.
- Protect resources identified in the Hood River County Comprehensive Plan.
- Protect the public health, safety, and general welfare of the citizens of the county.

Section 53.75 Marijuana Businesses Applicability
In construing this section, related provisions of state law and administrative rule provide relevant context. These regulations shall not apply to:
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- Personal use of marijuana.
- Any Marijuana Business, structure or building legally established prior to the adoption of this article.
- Any marijuana retailer that applied for a registration with the Oregon Health Authority and has subsequently obtained full, unconditional approval prior to the adoption of this article.

The alteration, expansion or replacement of a Marijuana Business will be subject to the Marijuana Business section of Article 53.

Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses:

A. More than one marijuana business established on the same parcel. This does not preclude a single business from maintaining more than one (1) type of license or permit.
B. New dwellings used in conjunction with a marijuana crop.
C. A farm stand, as described in ORS 215.283(1)(o), used in conjunction with or on the same parcel as a marijuana crop.
D. A commercial activity, as described in ORS 215.283(2)(a), carried on in conjunction with or on the same parcel as a marijuana crop.
E. Marijuana production, processing, wholesaling and retailing are not permitted in conjunction or on the same parcel with a home occupation, Bed & Breakfast or winery.

Section 53.80 Marijuana Businesses Definitions

Marijuana Processing – The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority; excludes packaging or labeling.

Marijuana Production / Grow – The manufacturing, planting, cultivation, growing or harvesting of marijuana, which may include associated trimming or drying on the subject property; provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and is a “person designated to produce marijuana by a registry identification cardholder.”

1. Outdoor Production means producing marijuana:
   (a) In an expanse of open or cleared ground; or
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(b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.

2. Indoor Production means producing marijuana in any manner:
   (a) Utilizing artificial lighting on mature marijuana plants; or
   (b) Other than “outdoor production,” as that is defined in this section.

Marijuana Retailing – The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Wholesaling – The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

Section 53.85 Marijuana Businesses Use Table & Procedures
Table 53.85 below identifies the marijuana uses permitted as specified for each of the different zoning districts, subject to the review Type and regulations.

As used in the Table “P” means the use is prohibited; including new agriculture dwellings to support the commercial growing of marijuana, farm stands to sell marijuana products, and commercial activities in conjunction with marijuana on EFU.

As used in the Table “A” means the use is allowed outright subject to the general provisions set forth by this Ordinance and do not require land use review.

Type I (Ministerial Action) and Type II (Non-Ministerial or Administrative Action) are review types defined in Article 3 - Definitions.

Table 53.85 Summary of Use Table for Marijuana Businesses

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Production / Grow</th>
<th>Processing</th>
<th>Retailing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest (F-1 &amp; F-2)</td>
<td>Type I</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Exclusive Farm Use (EFU)</td>
<td>Type I</td>
<td>Type II</td>
<td>P</td>
</tr>
<tr>
<td>Residential (R-1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Rural Residential (RR)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
Section 53.90 Marijuana Business Standards

A Marijuana Business reference in Table 53.85 above shall be subject to the following standards and criteria:

A. Minimum Yard Depth & Setbacks (EFU and Forest Zones) – Outdoor marijuana canopies, buildings and structures used for indoor or outdoor marijuana production, and buildings and structures used for marijuana processing in the EFU and Forest zones shall be located at least 50-feet from any property line or a greater distance of 80-feet from an existing dwelling situated on neighboring property. The distance shall be measured using a straight-line extending horizontally from the nearest part of the canopy area or building or structure used for marijuana production or marijuana processing to the point nearest to any property line.

Marijuana production or processing on resource zones shall be located a minimum of 1,000-feet from a licensed school, daycare facility, publicly owned park or recreational
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use area or facility. The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the subject property to the closest property line of the affected property.

B. **Access** – The subject property shall have frontage on, or direct access from, a constructed public, county, or state road, and take access on a road or easement serving the subject property. Road access to the marijuana business shall meet current county road standards and shall be adequately maintained and remain clear of obstructions.

C. **Security Cameras** – If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.

D. **Lighting** – Lighting shall be regulated as follows:

1. Light cast by light fixtures (i.e., artificial lighting) inside any structure or building used for marijuana production or processing shall use adequate light barriers to ensure artificial lighting is not visible from adjacent properties. Example of light barriers include: light depravation greenhouses or similar technologies, fully shielded and directional lights, retractable shade clothes, not-transparent building materials, and landscaping or other natural features.

2. Outdoor marijuana grow lights shall not be illuminated during the period commencing 30 minutes before sunset and ending 30 minutes after sunrise the following date.

3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall be downcast, shielded and hooded, and not spill onto adjacent lots.

E. **Odor – Industrial Zones**: Marijuana production and processing in the M-1 and M-2 zones is allowed if the building or structure is equipped with a charcoal, air filtration system or a building design that mitigates marijuana odor. The marijuana producer or marijuana processor must operate and maintain the filtration system in a manner such that no more than faint odor and no pungent odors are detectable from the property line.

F. **Fences, walls or other barriers**

1. Shall be limited in area by being located no more than 20-feet in any direction from the outer extent of all areas used for Marijuana Business activities, including but not limited to buildings, structures, outdoor marijuana canopies, and areas used for off-
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street parking, loading, and storage.
2. Shall not be electrified, use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.
3. Shall not include plastic sheeting, knitted polyethylene, woven polypropylene, vinyl coated polyester, or similar materials.
4. Development standards of that zone shall apply (e.g., height and vision clearance).

G. Water – The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing. Proof could include, but is not limited to, a copy of a water right that serves the proposed use or a letter from the irrigation district, municipal water provider or the Watermaster.

Section 53.95 Marijuana Businesses Retailing
Marijuana retailing shall be subject to the following standards and criteria:

A. Hours & Window Service – A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 8:00 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 8 p.m. The use shall not have a walk-up window or drive-thru window service.

B. Odor – A marijuana facility shall be equipped with a carbon or charcoal filtration system for odor control.

1. The system shall consist of one or more fans and filters.
2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) sufficient to scrub or purge the facility total interior air volume, minus sealed grow rooms and non cannabis areas like offices, once per hour.
3. The filter(s) shall be rated for the required CFM.
4. The filtration system shall be maintained in working order and shall be in use.
5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the charcoal filtration system otherwise required.

C. Co-Location of Related Activities and Uses – Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
D. **Minimum Separation Distances** – A Marijuana Retail Business shall be located a minimum of 1,000 feet from:

1. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including associated property and parking lot;
2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including associated property and parking lot;
3. A licensed daycare facility or preschool, including associated property and parking lot;
4. A public park, public playground, government-owned recreational use area or facility, public library, living history museum, community centers, licensed treatment center, or multifamily dwelling owned by a public housing authority;
5. Other marijuana retailer of the same type (e.g., recreational or medical);

The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the Marijuana Business property to the closest property line of the affected property.

**PSILOCYBIN BUSINESSES**

**Section 53.100  Psilocybin Business Purpose & Intent**

This section describes the requirements for establishing psilocybin businesses in Hood River County. The purpose of this section is to:

- Establish reasonable time, place, and manner requirements for new businesses to manufacture psilocybin and establish a service center.
- Provide clear and objective standards for psilocybin businesses.
- Minimize conflict with other permitted uses in underlying zones.
- Protect resources identified in the Hood River County Comprehensive Plan.
- Protect the public health, safety, and general welfare of the citizens of Hood River County

**Section 53.105  Psilocybin Business Applicability**

A. A psilocybin business may only be allowed on a lawfully established lot or parcel in those zoning districts identified under the Section 53.115 below.
Article 53 – Home Occupations, Short-Term Rentals, Marijuana & Psilocybin Businesses

B. No psilocybin business may be permitted in conjunction with or on the same parcel as a home occupation, short-term rental, or bed & breakfast, except in the Commercial (C-1), Rural Center (RC), Rural Unincorporated Community (RUC-1), and Mt. Hood Unincorporated Community Commercial (MH-C1). No psilocybin business may be located on the same parcel as a marijuana business in any zone.

C. No psilocybin business may be conducted in a dwelling.

D. No more than one psilocybin business may be established on the same parcel, although this does not preclude a single business from maintaining more than one (1) type of license or permit unless otherwise stated in this section.

E. No psilocybin business may operate without a license from the Oregon Health Authority.

Section 53.110 Psilocybin Business Definitions

A. Manufacture – The manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion, or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container.

B. Psilocybin – Psilocybin or psilocin.

C. Psilocybin-Producing Fungi – Psilocybin-Producing Fungi is:

(1) A crop for the purposes of “farm use” as defined in ORS 215.203;
(2) A crop for the purposes of a “farm” and “farm practice,” both as defined in ORS 30.930;
(3) A product of farm use as described in ORS 308A.062; and
(4) The product of an agricultural activity for purposes of ORS 568.909.

D. Psilocybin Products – Psilocybin producing fungi and mixtures or substances containing a detectable amount of psilocybin. Psilocybin products does not include psilocybin services.

E. Psilocybin service center – An establishment where a client purchases, consumes, and experiences the effects of a psilocybin product under the supervision of a licensed psilocybin service facilitator, and where other psilocybin services may be provided.

F. Psilocybin services - Services provided to a client before, during, and after the client’s consumption of a psilocybin product.
Article 53 – Home Occupations, Short-Term Rentals, Marijuana & Psilocybin Businesses

Section 53.115 Psilocybin Business Use Table & Procedures
Table 53.115 below identifies the psilocybin uses permitted as specified for each of the different zoning districts, subject to the review type and regulations.

As used in the Table, “P” means the use is prohibited, including those specific uses listed in Section 53.105.

As used in the Table, “A” means the use is allowed outright subject to the general provisions set forth by this Ordinance and do not require land use review.

As used in the Table, Type I (Ministerial Action) and Type II (Non-Ministerial or Administrative Action) are review types defined in Article 1 - Definitions.

Table 53.115 Summary of Use Table for Psilocybin Businesses

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Manufacture</th>
<th>Service Centers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest (F-1 &amp; F-2)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Exclusive Farm Use (EFU)</td>
<td>Type I (Production)</td>
<td>Type II (Conditional Use Permit)</td>
</tr>
<tr>
<td></td>
<td>Type II (Processing)</td>
<td></td>
</tr>
<tr>
<td>Residential (R-1)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Rural Residential (RR)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hood River UGA</td>
<td>See Article 17</td>
<td>See Article 17</td>
</tr>
<tr>
<td>Commercial (C-1)</td>
<td>P</td>
<td>Type II (Commercial Land Use Permit)</td>
</tr>
<tr>
<td>Rural Center (RC)</td>
<td>P</td>
<td>Type II (Conditional Use Permit)</td>
</tr>
<tr>
<td>Rural Unincorporated Community (RUC-1)</td>
<td>P</td>
<td>Type II (Commercial Land Use Permit)</td>
</tr>
<tr>
<td>Mt. Hood Unincorporated Community Commercial (MH-C1)</td>
<td>P</td>
<td>Type II (Commercial Land Use Permit)</td>
</tr>
<tr>
<td>Industrial (M-1)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Industrial (M-2)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Airport Development (AD)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Natural Area (NA)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
Zoning District | Manufacture | Service Centers
---|---|---
Overlays: SPO, EP, FP, GH, HHO | P | P
National Scenic Area | P | P

Note:
- *Outdoor manufacturing is prohibited.*
- *Psilocybin testing facilities shall be treated the same as any other testing facility when determining if it is an allowed use or not in the affected zoning district.*

Section 53.120 Psilocybin Business Standards
Psilocybin manufacturing (production and processing facilities) and service centers shall be subject to the following standards and criteria:

A. **Minimum Setbacks** – Buildings containing a licensed psilocybin business in the EFU zone shall be located at least 50-feet from any property line or a greater distance of 80-feet from an existing dwelling situated on neighboring property. The distance shall be measured using a straight line extending horizontally from the nearest part of the building used for a psilocybin business to the point nearest to any property line or dwelling.

B. **Access** – The subject property containing a licensed psilocybin business shall have frontage on, or direct access from, a constructed public, county, or state road, or take access on an exclusive (private) road or easement serving only the subject property. Road access to the psilocybin business shall meet current county road standards and shall be adequately maintained and remain clear of obstructions.

C. **Security Cameras** – If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Health Authority.

G. **Water** – The applicant shall submit proof of a legal water source for proposed psilocybin manufacturing. Proof could include, but is not limited to, a copy of a water right that serves the proposed use or a letter from the irrigation district, municipal water provider or the Watermaster.

H. **Waste Management** – Psilocybin waste shall be stored in a secure waste receptacle in the possession of and under the control of the licensee.
Article 53 – Home Occupations, Short-Term Rentals, Marijuana & Psilocybin Businesses

I. **Processing** – Psilocybin processing may occur only in conjunction with an onsite psilocybin producing fungi crop in the EFU zone, subject to review per Section 3.04(B) and Section 3.15 of this Ordinance, unless otherwise exempt.

J. **Facility** – All activities associated with a psilocybin business must operate entirely within an enclosed building, but not within a dwelling. For the purposes of this standard, an enclosed building does not include a greenhouse or similar structure.

H. **Minimum Separation Distances** – The following setbacks shall apply to psilocybin service centers:

1. Except as provided in subsection 2 below, a psilocybin service center shall be located a minimum of 1,000 feet from:
   
   a. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including associated property and parking lot;
   b. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including associated property and parking lot;

2. A psilocybin service center shall be located a minimum of 500 feet from the uses identified under subsection 1(a) and (b) above when the Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center.

   The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the psilocybin service center property to the closest property line of the affected school property.

**Section 53.125 Psilocybin Business Limitations on Use**

A. The operation of a psilocybin service center may be carried on in conjunction with a psilocybin producing fungi crop in the EFU zone, subject to the requirements of Section 3.05 (Conditional Use Review Criteria) and the following:

1. The service center may operate between the hours of 8am and 5pm, Monday through Friday.
2. The service center shall operate in the same building as the licensed psilocybin producing fungi crop.
3. The size of the service center shall not exceed 50 percent of the size of the building containing the licensed psilocybin producing fungi crop or 800 square feet, whichever is less.

4. No more than 4 clients shall be served at the service center at any given time.

5. The service center shall not be used for or contain facilities that would accommodate activities or services beyond administering psilocybin to clients, such as allowing overnight stays, providing spa type treatments, or cooking prepared meals. No kitchen or bathing facilities shall be provided within a service center.

B. A new dwelling used in conjunction with a psilocybin producing fungi crop may not be permitted on land designated for exclusive farm use.

C. A farm stand, as described in ORS 215.283(1)(o), may not be used in conjunction with or established on the same parcel as a psilocybin producing fungi crop.

D. A commercial activity, as described in ORS 215.283(2)(a), may not be carried on in conjunction with or on the same parcel as a psilocybin producing fungi crop, except for a service center approved per Subsection A above.
ARTICLE 54 - HAZARDOUS WASTE MANAGEMENT ORDINANCE (HWM)

Section 54.00 - Purpose & Intent
The purpose of this ordinance is to establish permit procedures and local siting criteria to evaluate hazardous waste and PCB treatment and disposal facilities proposed in Hood River County. The primary intent of this ordinance includes the following: (1) To maximize protection of the public's health, safety and welfare; (2) To protect Hood River County's overall environmental quality; (3) To ensure compliance with the Oregon Legislative directives outlined in Senate Bill 138, Hazardous Waste and Hazardous Materials; (4) To ensure collaboration with the Environmental Quality Commission (EQC) and the Department of Environmental Quality (DEQ) in ensuring protection of Hood River County's environmental quality; and (5) To provide local citizen participation.

Section 54.05 - Applicant's Burden of Proof
The burden is upon the applicant to provide affirmative documented findings demonstrating compliance with all provisions of this ordinance.

Section 54.10 - Definitions
A. ENVIRONMENTAL QUALITY COMMISSION (EQC): This five (5) member commission, appointed by the Governor, provides policy direction to the Department of Environmental Quality (DEQ) and oversees its operations. The Director of the DEQ is appointed by the EQC.

B. HAZARDOUS WASTE COLLECTION, DISPOSAL OR TREATMENT SITE:

1. Hazardous waste collection site means the geographical site upon which hazardous waste is stored.

2. Hazardous waste disposal site means a geographical site in which or upon which hazardous waste is disposed.

3. Hazardous waste treatment site means the geographical site upon which or facility in which hazardous waste is treated.

C. HAZARDOUS WASTE: Hazardous waste does not include radioactive material or the radioactively contaminated containers and receptacles used in the transportation, storage, use or application of radioactive waste, unless the material, container or receptacle is classified as hazardous waste under paragraphs (1), (2) or (3) of this subsection on some basis other than the radioactivity of the material, container or receptacle. Hazardous waste does include all of the following, which are not declassified by the Environmental Quality Commission under ORS 466.015(3) or other State law:

1. Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliants, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.
2. Residues resulting from any process of industry, manufacturing, trade or business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order or the Environmental Quality Commission after notice and public hearing. For purposes of classification, the Environmental Quality Commission must find that the residue, because of its quantity, concentration or physical, chemical or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

3. Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use or application of the substances described in paragraphs (1) and (2) of this subsection.

D. NEW FACILITY:

1. A facility for which an original permit application was submitted after the effective date of EQC and DEQ's regulations, regarding siting of Hazardous Waste Management and PCB Treatment and Disposal Facilities; or

2. A facility where a different type of treatment or disposal is being proposed (i.e., adding incineration, a facility-utilizing disposal, or changing from chemical treatment to biological treatment at the facility).

E. PCB: A definition of PCB is provided in Appendix "A" to this ordinance.

F. RADIOACTIVE WASTE: Means any material considered a radioactive waste as defined in Oregon Revised Statutes (ORS) 469.300 or by the Environmental Quality Commission (EQC) or the Department of Environmental Quality (DEQ). However, as defined in this ordinance, hazardous waste excludes radioactive materials. Furthermore, Hood River County Ordinance No. 159, entitled "Nuclear Free Hood River County Ordinance", prohibits the following: (1) Research on or the manufacture of nuclear weapons or components; (2) The transportation, storage, siting or disposal of nuclear weapons, components, or radioactive waste; and (3) Civil defense crisis relocation planning for nuclear war.

Section 54.15 - Applicable Facilities:

A. The following uses are subject to all provisions in this ordinance:
1. New hazardous waste and PCB treatment and disposal facilities located off the site of waste generation (off-site); and

2. New hazardous waste and PCB land disposal facilities located on the site of waste generation (on-site).

3. New hazardous waste and PCB treatment and disposal facilities, other than land disposal facilities, located on the site of waste generation (on-site).

B. Facilities described in A., 1. above that receive less than 50% of waste from off the site may be located inside urban growth boundaries if reviewed and approved by the cities of Hood River or Cascade Locks; and (2) If in compliance with applicable provisions in Section 54.25, Hood River County Compatibility Statement, excluding paragraph C., item 6.

C. The following facilities are not subject to provisions in Section 54.20 Application Process, but must comply with other requirements of DEQ and applicable provisions in Section 54.25 - Hood River County Land Use Compatibility Statement, as determined by the County Planning Commission and/or the cities of Hood River and Cascade Locks or the County Planning Director.

1. Portable hazardous waste and PCB treatment and disposal facilities that are located on a single site of generation (on-site) less than 15 days each year.¹

2. Hazardous waste and PCB treatment or disposal sites involved in remedial action or closing.

3. Facilities treating hazardous waste pursuant to the recycling requirements.

4. Facilities permitted by the DEQ to manage municipal or industrial solid waste, if the hazardous waste the facilities treat or dispose of is excluded from regulation.

D. Emergency permits issued by the Director of DEQ are exempt from this ordinance but require coordination and cooperation with the County Emergency Services Committee through cooperation with the County Sheriff or the County Administrator.

Section 54.20 - Application Process

A. Uses proposed in Section 54.15 - Applicable Facilities, paragraphs A., items 1-3 and shall comply with the following three-step application process:

1. Receive Authorization to Proceed from the Department of Environmental Quality (DEQ);

¹ Portable facilities are usually truck mounted.
2. Application to the County Planning Department and compliance with the Hood River County Land Use Compatibility Statement (Section 54.25 of this ordinance);

3. Application and approval of a treatment or disposal permit from the Department of Environmental Quality (DEQ) or the Environmental Quality Commission (EQC).

B. The County will not accept or process an application for a Hood River County Land Use Compatibility Statement unless it is demonstrated through documentation that an Authorization to Proceed request is granted by the Department of Environmental Quality (DEQ). All written information addressing criteria required by the Authorization to Proceed shall be provided to the Hood River County Planning Department and County Planning Commission.

C. Existing facilities reapplying will be required to demonstrate compliance with the directives of the Environmental Quality Commission (EQC), the Department of Environmental Quality (DEQ) and the Hood River County Land Use Compatibility Statement.

Section 54.25 - Hood River County Land Use Compatibility Statement

A. Proposed facilities in Sections 54.15 - Applicable Facilities, paragraphs A., items 1-3, and B., shall provide documented evidence of compliance with all provisions in this section.

B. Proposed facilities in Section 54.15; - Applicable Facilities, paragraph C., must comply with requirements of DEQ and other applicable provisions in this section as determined by the County Planning Commission, cities of Hood River or Cascade Locks, either through a conditional use permit and a public hearing, or administratively processed by the County Planning Director pursuant to provisions in Article 72 –Planning Director's Review Procedure.

C. Applicants shall provide documented evidence of compliance with the following criteria or factors:

1. Written documentation demonstrating compliance with criteria and factors that must be met to obtain an Authorization to Proceed request from the Department of Environmental Quality (DEQ).

2. Applicant to complete a Site Inventory and Resource Analysis of the proposed site and adjacent ownerships, and prepare maps at scale 1″=400' or 1:24,000, or as specified, showing at least the following natural and cultural resources:
   a. Existing land and proposed land use (scale for proposed land use, 1″=50' or better).
   b. Easements, deeds, restrictions or covenants affecting subject property.
   c. Hydrology Features (surface water, drainage basin, ground water, wells, etc.).
d. Climate (temperature, wind, precipitation, snowfall, other).

e. Topography (show elevations, slope, other).

f. Physiographic obstructions (geologic hazards, floodplains, other).

g. Applicant shall identify through the above maps and narrative, attributes that support the proposed use or constraints that prevent the use.

3. Proposed use shall be located on Industrial (M-I) zoned lands and demonstrate compliance with provisions of this ordinance. All proposals will be processed as a conditional use permit with a public hearing by the Hood River County Planning Commission. Provisions of Article 54 - Hazardous Waste Management and conditions developed as a result of the hearings process, shall constitute zoning requirements if a request is approved by the Hood River County Planning Commission.

4. The facility shall not prevent the use of adjacent lands for uses permitted or otherwise allowed in the applicable zone.

5. Facilities listed under Section 54.15 - Applicable Facilities, paragraph B., that receive less than 50% of waste from off-site may be located within an urban growth boundary if reviewed and approved by the cities of Hood River and Cascade Locks.

6. Facilities proposed in Section 54.15 - Applicable Facilities, paragraph A., items 1-3, shall be sited at least two miles from the urban growth boundaries of Hood River and Cascade Locks.

7. Hazardous waste and PCB treatment and disposal facilities, other than land disposal facilities, on the site of waste generation shall have at least a 250-foot separation between active waste management areas and facilities, and property boundaries.

8. Hazardous waste and PCB treatment and disposal facilities off the site of waste generation and land disposal facilities on the site of waste generation shall have at least a 1,000 foot separation between active waste management areas and facilities, and property boundaries.

9. The facility shall be located at least one mile from the following uses identified in *elements of the Hood River County Comprehensive Plan:*

a. Schools, churches, hospitals, nursing homes, retail centers, stadiums, auditoriums or residences not owned by the applicant;

b. Wilderness, parks and recreation areas;

c. Scenic view sites;

d. Federal and State scenic waterways;

e. Planned Unit Developments (Residential and Commercial);

f. Lands zoned Residential, Rural Residential or Rural Center;

g. Hood River and Cascade Locks Airports;

h. Columbia River Gorge National Scenic Area.

10. The facility shall be located at least one-quarter mile from the following uses identified in elements of the County Comprehensive Land Use Plan:

a. Perennial surface water (including rivers, streams, lakes and reservoirs) and wetlands;

b. Historic and cultural areas;

c. Ecologically and scientifically significant natural areas;

d. Municipal watersheds;

e. Floodplains;

f. Geologic Hazards;

g. SCS Agricultural Soil Classification I, II, III or IV or Cubic Foot Site Class 1, 2, and 4 forestlands.

11. Engineering services including medical care, to respond to and address emergencies and accidents at the facility or involving wastes traveling on local transportation routes to the facility have been identified and shall be provided by the applicant. Applicant shall provide evidence that engineering and medical personnel are certified or qualified by an appropriate agency to properly handle hazardous waste materials. The added cost of adequately training, equipping and certifying personnel shall be borne by the applicant.

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applicant or state. Neither Hood River County nor the cities of Hood River or Cascade Locks will assume the added cost or responsibility for training or equipping personnel, etc., unless so determined by the Board of County Commissioners or the cities of Hood River or Cascade Locks.

12. The facility shall have more than one public transportation route to its site.

13. The appropriate city, county, state and federal transportation departments have reviewed the local transportation routes to the facility for safety and their recommendations for improvements shall be implemented prior to first waste receipt at the facility. Unauthorized access to the site will not be provided.

14. An emergency response team owned by or under contract to the owner or operator or the facility shall be located within 25 miles of the facility. The team shall be capable or immediately responding to spills occurring within 50 miles or the facility, or waste traveling to the facility. The emergency response team shall be certified or qualified by an appropriate agency to properly handle spills. The added costs of adequately training, equipping and certifying the response team shall be borne by the applicant or state. Neither Hood River County or the cities of Hood River or Cascade Locks will assume the added costs or responsibility for training, equipping, etc., the emergency response team, unless so determined by the Board of County Commissioners, or the cities of Hood River or Cascade Locks.

D. Applicant shall demonstrate through written documentation why any of the above criteria or factors cannot be met. Exceptions will be approved based upon approval by the DEQ, EQC, Hood River County and the cities of Hood River or Cascade Locks. Exceptions will be based upon the following criteria:

1. The applicant demonstrates through documented findings that the public's health, safety and the environment are adequately protected by allowing the exception; or

2. If the exception provides substantial equivalent protection as compared to the specific criterion, factors or other provisions within this ordinance.

Section 54.30 - Time Frame County Action

A. Pursuant to timely and complete submittal of information addressing provisions in Article 54 - Hazardous Waste Management Ordinance, the County will act on the request within 180 days.

B. If the County does not make a decision within 180 days, the applicant may request the Department of Environmental Quality to evaluate and ensure the request complies with the provisions of this ordinance. In determining whether the request is appropriate, DEQ will solicit and consider comments from appropriate local agencies, special districts, cities of Hood River and Cascade Locks, and Hood River County.
C. If the County does not act within 180 days and the applicant takes no action under 54.30, B. above, the application shall be deemed denied.

Section 54.35 - Local Citizens Advisory Committee

A. To ensure additional Hood River County citizen participation in siting of proposed facilities outlined in Section 54.25 - Hood River County Land Use Compatibility Statement, paragraph A., items 1-3 and B, the Department of Environmental Quality (DEQ) in conjunction with the applicant shall appoint, support and utilize a local citizen advisory committee comprised in part of residents living near or along transportation routes to the facility and site. At least one-half of the committee members shall be nominees submitted by the Hood River County Board of Commissioners or the cities of Hood River or Cascade Locks. The committee shall be appointed as soon as feasible by the DEQ, but prior to the Hood River County Planning Commission's hearings as outlined in Section 54.25 of this ordinance so that adequate testimony can be provided at the Commission's hearing.

B. The committee shall provide a forum for local citizen comments, questions and concerns about the site and facility. The committee will provide a dialogue between Hood River County (Planning Commission and Board) and the cities of Hood River or Cascade Locks of the proposed facility and the applicant or company interested in siting the facility. The committee shall prepare a written report summarizing local citizen concerns, address provisions and requirements of this ordinance (Article 54 - Hazardous Waste Management) and the manner in which the applicant is addressing these concerns. This report shall be available prior to the Hood River County Planning Commission public hearing.

C. DEQ may appoint a committee to review a proposed facility described in Section 54.25, paragraph C, or as requested by the Hood River County Planning Commission, Board of Commissioners and Planning Director.

D. It is the responsibility of the applicant or State to provide an adequate budget, staff and other administrative support to maintain the committee. Failure of the applicant or State to adequately maintain the committee will not result in Hood River County or the cities of Hood River and Cascade Locks in automatically assuming support responsibilities unless so authorized by the Hood River Board of County Commissioners or the cities.

E. The committee will provide periodic status reports to the Hood River County Planning Commission and Board of Commissioners.

Section 54.40 - Compensation Agreement

A. Based upon approval of a request by the County Planning Commission and prior to construction, the Board of County Commissioners or cities will enter into a Compensation Agreement to cover the facilities potential economic impacts on Hood River County or the cities of Hood River or Cascade Locks relative to services provided. This Agreement is a
condition of the Planning Commission's approval. The burden of additional costs generated by the proposed facility will be upon the applicant or the State, but not Hood River County or the cities of Cascade Locks or Hood River. The Compensation Agreement will cover at least the following factors and concerns:

1. Costs incurred by Hood River County or the cities as the request;

2. Training and equipping local fire, police and health department personnel to respond to accidents, spills and other emergencies;

3. Special monitoring both on and off-site for worker and community health status;

4. Road improvements and maintenance to assure safe transportation of waste to the site;

5. Possible changes in property values near the site due to the proposed facility;

6. A plan to resolve conflicts or disagreements that might develop between the facility operator and the community.

7. Financial assistance to support technical review by experts accountable to Hood River County.

B. The Compensation Agreement may contain a requirement or a performance bond as deemed necessary by the County or cities.

C. Failure to establish a Compensation Agreement will result in denial of the facility by Hood River County.
APPENDIX "A"
DEFINITION PCB

A. ORS 466.505 Definitions, paragraph (1): "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds, produced by replacing two or more hydrogen atoms on the biphenyl, terphenyl, or higher polyphenyl molecule with chlorine atoms. "PCB" does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds, that have functional groups attached other than chlorine unless that functional group on the chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures thereof of these compounds, is determined to be dangerous to the public health under ORS 466.525.

B. WHAT ARE PCBs: PCBs or polychlorinated biphenyls, are chemical compounds similar to DDT and dieldrin. They are generally colorless, odorless liquids with a thick, molasses-like consistency. Although fire-resistant, they are relatively good conductors of heat but poor conductors or electricity. The compounds have high boiling points and do not dissolve easily in water.

PCB compounds belong to the family of chlorinated hydrocarbons in which chlorine has replaced hydrogen in the molecular structure. There are over 100 varieties of PCB, each containing a slightly different number or arrangement of chlorine atoms. Chlorine content in PCB compounds commercially available in the U.S. ranges up to 68 percent; the higher the percentage, the higher the compounds' boiling point. Recent evidence also suggests that the higher the chlorine content, the more toxic and persistent the PCB compound is.

C. WHAT ARE THEY USED FOR: Because of their chemical and thermal stability and low conductivity of electricity, PCBs are very useful as industrial chemicals. Today they are used principally as coolant insulation fluids in electrical transformers and capacitors. About 70 percent of the PCBs produced in the U.S. are used in capacitors, the balance in transformers.

Before 1971, PCBs saw a much greater variety of uses. They were added to adhesives, plastics, paints, varnishes, sealants, and other surface coatings, and they were widespread as a component of carbonless carbon papers.

D. WHY ARE PCBs A PROBLEM: Studies have shown that PCBs are highly toxic to animals and man.

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4 Copyright 1976 by the Board of Regents of the University of Wisconsin Sea Grant College Program with funding from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce and the state of Wisconsin.

5 Ibid
They were first recognized as a problem by scientists in Sweden in 1966. But they came to worldwide attention in 1968 when five people died and 1,000 others were stricken in Japan after eating cooking oil contaminated by PCBs. Since that time, Japan has banned all import and production of these compounds.

PCBs came back into the news recently in this country when it was discovered that high, possibly dangerous levels of these compounds were being found in some freshwater fish, particularly in the Great Lakes. Although severe injury from short-term exposure to PCBs is unlikely, scientists are concerned about the effects caused by long-term, low-level exposure to the compounds.

The fact that PCBs seem to persist in the environment for long periods of time and are hard to eliminate makes them more of a threat. Today these compounds are found all over the globe—in Arctic polar bears, New York chickens, England's rainfall, human blood plasma, the world's oceans and mother's milk.6

FOR ADDITIONAL INFORMATION REGARDING PCBs, CONTACT THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) OR THE ENVIRONMENTAL QUALITY COMMISSION (EQC).

6 Ibid
ARTICLE 55 - SUPPLEMENTARY PROVISIONS

Section 55.10 – Authorization of Similar Uses
Notwithstanding uses that are prohibited, the Planning Director or the Planning Commission may permit a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted in a zone of this Ordinance.

Section 55.20 - Zone Boundaries
Unless otherwise specified, zone boundaries are property lines, the centerline of streets, and railroad right-of-way, or such lines extended. Where a zone boundary divides a land parcel under single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries; or the Planning Director, pursuant to Article 72 - Planning Director's Review Procedures, shall review and prepare a report containing findings justifying a decision regarding the location of the boundary. The report could state that it is necessary to obtain a Zone Change or Plan and Zone Change pursuant to the requirements of Articles 60 or 62.

Section 55.30 - Projections from Buildings
Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

Section 55.40 - Maintenance of Minimum Ordinance Requirements
No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date or this Ordinance shall be reduced in area, dimension, or size below the minimum required by this Ordinance, nor shall any lot area, yard or other open space of off-street parking or loading area which is required by this Ordinance for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

Section 55.50 - General Exception to Lot Size Requirements
If, at the time of passage of this Ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

Section 55.60 - General Exception to Building Height Limitation
The following type of structure or structural parts are not subject to the building height limitations of this Ordinance and may be allowed reasonable extensions: antennas or dish antenna, aerals, chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation
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towers, masts, cooling towers, elevator shafts, smoke-stacks, flagpoles, and other similar projections. Structures or structural parts listed within the Airport Height Combining Zone, including structures necessary to operate the airport, are excluded from the provisions of this section.

Section 55.70 – Procedures for Review of Transportation Uses

A. Permitted uses. The following uses are permitted outright in all zones outside of the County’s National Scenic Area and do not require land use review and approval subject to the requirements of Articles 60 and 64 of the County Zoning Ordinance.¹

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities identified in the Hood River County Transportation System Plan.

2. Dedication of right-of-way, authorization of construction and the construction of transportation facilities and improvements, where improvements are consistent with clear and objective dimensional standards, and the County Transportation System Plan.²

3. Uses permitted outright under ORS 215.283(1)(k) through (n), consistent with the provisions of OAR 660-012-0065.

4. Changes in the frequency of transit, rail or airport services.

5. Road construction and maintenance of roads for forest practices regulated by the State of Oregon’s Forest Practices Act.

6. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

7. Projects specifically identified in the County Transportation System Plan as not requiring further land use regulation.

8. Landscaping as part of a transportation facility.

9. Emergency measures necessary for the safety and protection of property.

10. Acquisition of right-of-way for public roads, highways, and other transportation

¹ The County’s National Scenic Area Zoning Ordinance (Article 75) should be consulted to determine if a proposed use requires land use review through that ordinance.

² Dedication of right-of-way to the public or to the County requires formal acceptance of the dedication by the County.
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improvements designated in the County Transportation System Plan except for those that are located in exclusive farm use or forest zones.

11. Construction of a street or road as part of an approved subdivision, land partition, or planned development, consistent with the applicable Zoning Ordinance.

B. Conditional Uses. The following uses involve land use decision-making and are permitted conditionally based on review by the Planning Director pursuant to procedures and requirements specified in Articles 60 and 72.

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are not: i.) improvements designated in the County Transportation System Plan; or, ii.) designed and constructed as part of an approved subdivision, major partition, or planned development, shall comply with the County Transportation System Plan and applicable standards, and shall address the following criteria (a-d) below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

   a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

   b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

   c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

   d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of the County’s Transportation System Plan.

2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

C. Projects subject to Legislative Amendment. If a proposed transportation facility, service or improvement is determined to have a significant impact on land use or concern the amendment to policies in the acknowledged Comprehensive Plan or land use regulation(s), approval and review of the proposed facility, service or improvement will be subject to the
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criteria identified in Article 55.60(B) above, and procedures and requirements of Articles 60 and/or 62.

**Section 55.80 – Conditional Use Permits**

Once a conditional use permit has been granted, accessory buildings or uses to the conditional use may be permitted provided original conditions and property development standards are met.

**Section 55.90 – Accessory Buildings**

A. Accessory buildings may only be approved subsequent to or at the same time as the principal use.

B. An accessory building connected to a dwelling by a breezeway shall be treated as a detached building.

C. All rooms comprising a dwelling unit shall have access through an interior doorway to other parts of the dwelling unit. An addition that shares a common wall, roof, or other connection with the dwelling, but does not have an interior passageway shall be treated as a detached building.

D. No manufactured dwelling or mobile home may be placed or retained on a lot or parcel for use as an accessory building.

**Section 55.100 – Supplemental Setback Requirements**

A. Except as otherwise allowed, all accessory buildings and structures, including those exempt from a land use permit pursuant to Article 64 (Land Use Permits) of this Ordinance, shall comply with the minimum setbacks of the zone in which they are located.

B. For buildings accessory to a dwelling that are less that 200 square feet in size and 10 feet in heights, the rear yard setback requirement shall be reduced to match the appropriate side yard setback of the zone in which the property is located.

C. The setback from a private street, road or alley that serves or has the potential to serve four or fewer parcels shall be ten (10) feet or more from the edge of the nearest street/road right-of-way, except for garages that directly face the street, road or alley, which shall be setback at least twenty (20) feet from the nearest right-of-way line.
Section 55.110 – Dwelling, Lawfully Established:

A. An existing dwelling unit shall be considered lawfully established if:
   
   1. It was constructed in compliance with all zoning and building code requirements in effect at the time of establishment; or
   2. It was constructed prior to January 1, 1976 (except as otherwise noted under Subsections B-E below).

B. Lawfully established dwellings, regardless of their age, that qualify as a pre-existing, nonconforming uses shall be subject to the requirements of Article 65 (Pre-existing, Nonconforming Uses).

C. In the case of a mobile home/manufactured dwelling, the date the dwelling was lawfully established shall be based on when it was first placed on the property and not its age.

D. Conditions that were implemented as part of an earlier zoning and/or building permit approval shall continue to apply to all lawfully established dwellings, even those constructed prior to January 1, 1976.

E. The use of a lawfully established dwelling may not change unless otherwise allowed as part of a new application or other appropriate authorization. For instance, a lawfully established farm worker cabin/dwelling may not be converted into a standard single family dwelling without an appropriate permit even if constructed prior to January 1, 1976.
SECTION 56.00 - PURPOSE:
The purpose of this ordinance is to provide criteria and procedures for conditionally allowing Bed and Breakfast facilities in Hood River County.

The County recognizes the following: local needs and demands generated by the National Scenic Area Act, windsurfing, and the tourist industry require Hood River County to develop an ordinance to accommodate Bed and Breakfast facilities; national, state, regional and local development trends support Bed and Breakfast facilities; the Bed and Breakfast industry will assist in diversifying the County's economy; the County's rural land base contains different development characteristics than noted in urban areas and cities; the County's resource lands contain natural amenities which attract Bed and Breakfast facilities and a Bed and Breakfast facility is an accessory use within a single family dwelling.

The intent of this ordinance is to protect the character of single family residential neighborhoods, to ensure protection of lands zoned Residential, Rural Residential, Rural Center, Exclusive Farm Use, Forest, Primary Forest, Scenic Protection and Columbia Gorge Combining while allowing the orderly and reasonable development of Bed and Breakfast facilities in Hood River County.

SECTION 56.10 - DEFINITIONS:

A. Bed and Breakfast Facility: A Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided for compensation. A Bed and Breakfast facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence remains as a single-family dwelling. Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions.

B. Breakfast Meal: The meal served to guests during the a.m. or morning hours each day.

C. Dwelling Unit: One or more rooms designated for occupancy by one family and not having more than one cooking facility.

D. Single Family Dwelling: A detached building containing one dwelling unit.

SECTION 56.20 - CONDITIONAL USE:

A. A conditional use permit is required for Bed and Breakfast Facilities containing 5 or fewer guest rooms and proposed within the following zoning districts: Residential (R-1), Residential (R-2), Rural Residential (RR), Rural Center (RC), Exclusive Farm Use (EFU), Forest (F-1), Primary Forest (F-2), Scenic Protection (SP), and Columbia Gorge
Combining (CG). Approval shall be granted if applicant demonstrates through documented written findings compliance with the following procedures and criteria:

1. The applicant shall apply for a County conditional use permit to establish a Bed and Breakfast Facility.

2. The applicant shall comply with the requirements of Article 72 - Planning Director's Review Procedure of the Hood River County Zoning Ordinance.

3. The proposal shall comply with applicable zoning district provisions.

4. The proposal shall comply with provisions in Article 56 - Bed and Breakfast Facilities.

5. The proposal shall comply with provisions listed under Section 56.50, Bed and Breakfast Approval Standards within this ordinance.

6. Applicants for Bed and Breakfast Facilities proposed within the Exclusive Farm Use, Forest, and Primary Forest Zoning Districts are required to make application for a conditional use permit to establish a home occupation and comply with criteria listed in paragraphs 2, 3, 4, and 5 above.

SECTION 56.30 - URBAN GROWTH AREAS:

A. Bed and Breakfast Facilities proposed within the City of Hood River or Cascade Locks Urban Growth Areas will require review and approval by either the Cities of Hood River or Cascade Locks, whichever is appropriate.

B. Pursuant to provisions within the Urban Growth Management Agreements, the City's decisions prevail regarding land use applications within Urban Growth Areas.

C. The County Planning Department will send a referral to the appropriate jurisdiction.

SECTION 56.40 - COLUMBIA RIVER GORGE NATIONAL SCENIC AREA:

A. Proposed Bed and Breakfast Facilities within the National Scenic Area must also be consistent with provisions of the Columbia River Gorge National Scenic Area Act.

B. The Scenic Area Manager, USDA, Forest Service or the Columbia River Gorge Commission is required to review and determine whether the proposed use is consistent with the Scenic Area Act. Their decisions prevail regarding land use applications within the Scenic Area.

C. The County Planning Department will send a referral to the appropriate agency.
SECTION 56.50 - BED AND BREAKFAST APPROVAL STANDARDS:
The applicant shall present written documented evidence of compliance with the following standards:

A. The Bed and Breakfast Facility shall be located in a building designed and occupied as a single-family dwelling.

B. The building shall retain the characteristics of a single-family dwelling. A Bed and Breakfast Facility shall be clearly incidental, accessory and subordinate to residential use. The use shall be conducted entirely within the single family dwelling and shall not take an outward appearance nor manifest any characteristic of a business, except for allowed signing.

C. The single-family dwelling shall be owner or lessee occupied.

D. The Bed and Breakfast operator must reside within the single family dwelling in which the bed and breakfast facility is located.

E. Only 5 guest rooms are permitted.

F. No more than 10 guests shall be allowed at any one time.

G. A reduction in the number of guest rooms may be required if the applicant cannot demonstrate compliance with provisions within the Bed and Breakfast Facility Ordinance or applicable agency requirements.

H. State Health Division or County Sanitarian approval.

I. The maximum length of stay for guests is 15 consecutive nights.

J. Signing is limited to one illuminated sign, with a maximum area of 6 square feet. Signs cannot be placed within State or County right-of-way unless approved by either the County Public Works Department or the Oregon Department of Transportation. Sign lighting is restricted to the sign surface, not adjacent properties, or County or State roads or highways. The sign will not blink or otherwise cause distraction to vehicle traffic. Signing approved by the State is permitted.

K. One off-street parking space per guest room, plus adequate off-street parking space for the owner or lessee, shall be provided. Required off-street guest parking must be located on the single-family parcel or within a parking lot located within reasonable proximity of the lessee or owner occupied dwelling.

L. The applicant shall contact the Hood River County Finance Director and obtain a certificate of compliance and shall comply with the provisions of the County Transient Room Tax Ordinance. Applicant shall provide proof of compliance prior to the Planning Department approving a Bed and Breakfast Facility.
M. If an approved facility is not established within four years of the approval date, or if the use is discontinued for a year or more, the approval automatically expires and a new application is required. A permit extension shall be processed in compliance with the requirements of Section 1.130(B) of the Ordinance.\textsuperscript{1}

N. Within one year of conditional approval, the County Planning Director will review each Bed and Breakfast Facility to ensure all approval conditions are fulfilled and that the use complies with the County Comprehensive Plan requirements.

O. If property owner sells or leases the dwelling to another individual, he must, along with the new owner or lessee, contact the County Planning Department if they desire to continue the Bed and Breakfast Facility. Thereafter, the use will be reviewed by the County Planning Department pursuant to previous approval conditions.

P. The applicant shall obtain the approval of the County Building Official and applicable fire protection district.

Q. If applicable, applicant shall comply with provisions in the following above Sections:

1. Section 56.30 - Urban Growth Areas; or

2. Section 56.40 - Columbia River Gorge National Scenic Area.

R. Bed and Breakfast Facilities proposed in the Exclusive Farm Use Zone shall be located in a single family dwelling used in conjunction with farm use or located in an approved non-farm dwelling.

S. Violations or complaints regarding the above standards shall be reviewed by the County Planning Commission through a public hearing.

\begin{quote}
\textbf{SECTION 56.60 - PLANNING COMMISSION PUBLIC HEARING:}

Proposed Bed and Breakfast Facilities that cannot comply with provisions and standards within the Bed and Breakfast Facility Ordinance shall be reviewed as a conditional use pursuant to requirements in Section 56.20, by the Hood River County Planning Commission through a public hearing. The public hearing shall be conducted pursuant to provisions and requirements in Article 60 Administrative Procedures, Hood River County Zoning Ordinance. The Planning Commission may grant the application if it finds:

A. It is not possible for the applicant to comply with all provisions and standards of this ordinance:

B. It is in the public interest to grant the application; and
\end{quote}

\textsuperscript{1} Section 56.50(M) was amended via Ordinance #372 on June 21, 2021
C. With conditions, the proposed use will not be detrimental to the intent and purpose of this ordinance or the County adopted Comprehensive Plan.

SECTION 56.70 - APPEAL PROCESS:

A. Pursuant to Article 61 - Review by the Board, of the Hood River County Zoning Ordinance, the Planning Commission's decision is final unless appealed to the Board of County Commissioners within 15 days after the Commission's final decision. Appeal forms are available in the Hood River County Planning Department.

B. Pursuant to Article 72 - Planning Director's Review Procedure, the County Planning Director's decision shall be final unless written appeal is filed within 15 days after the Director's final decision or unless the Planning Commission or Board of County Commissioners, on its own motion, order review within 15 days after the Director's final decision. Appeal forms are available in the Hood River County Planning Department.

SECTION 56.80 - ENFORCEMENT:
A person found violating provisions of Article 56 - Bed and Breakfast Facilities (BB), is subject to enforcement and penalty provisions listed under Article 70 - Enforcement, Hood River County Zoning Ordinance.

SECTION 56.90 - NONCONFORMING USES:

A. Bed and Breakfast Facilities approved prior to the adoption date of this ordinance, which do not comply with provisions within this ordinance, are considered pre-existing nonconforming uses. They are allowed to continue pursuant to provisions of Article 65 - Nonconforming Use, of the Hood River County Zoning Ordinance.

B. Any proposed expansion or change in use of a Bed and Breakfast Facility in operation prior to the adoption date of this ordinance, shall be subject to the requirements of this ordinance and shall require evaluation through a conditional use permit, pursuant to the requirements of Article 65. In the event of denial, the Bed and Breakfast Facility shall be allowed to continue as originally approved, but as a nonconforming use.
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ARTICLE 60 - ADMINISTRATIVE PROCEDURES

Section 60.00 - Definition, Initiative, Type

A. An "Administrative Action" means a proceeding pursuant to this Article and subject to the definition of “Non Ministerial Action (Type II or III)” in Article 1 of this Ordinance.

B. Action on all administrative actions shall be initiated by a property owner or contract purchase, Board or Planning Commission Order. The initial action shall be to file an application on forms provided for that purpose in the Planning Department.

C. Administrative action includes but is not restricted to actions on: variances, conditional use permits, zone changes, exceptions and change of or reinstatement of non-conforming uses.

Section 60.05 - Planning Commission Review Procedure

The Planning Commission shall be the hearings body and make decisions on the following actions: (1) Zone Changes; (2) Comprehensive Plan Amendments; (3) Appeal of Director's Decision; (4) Review of Director's Decision (hearings process); (5) Review of Historic Preservation Applications (hearings process); (6) Preliminary Planned Unit Development (PUD) approval; (7) Preliminary Subdivision approval; (8) Delegation of Planning Commission authority to a hearings officer; and (9) Transportation improvements described in Article 55, Section 55.60(C) of this Ordinance.

Section 60.10 - Hearings Officer

The Planning Commission, upon affirmative vote of four (4) members may delegate the authority of the Planning Commission for all or portion of all administrative actions to a Hearings Officer. The Hearings Officer shall be subsequently selected by the Board of Commissioners.

Section 60.15 - Content of Notices of Initial Hearings on Proposed Actions

Notice of the hearing before the Planning Commission or subcommittee thereof, or hearings officer shall contain the following information:

A. The date, time and place of the hearing.

B. A description of the property reasonably calculated to give notice to its actual location.

C. The nature of the proposed action.

D. A notice that all interested parties may appear and be heard.

E. A notice that the hearing shall be held pursuant to the Rules of Procedure by the Body conducting the hearing.
Additional Matters in Notice - Where the application is made for a zone change, the Planning Director shall have the discretion to include in the notice of hearing that the hearing body may consider other zoning classifications other than that for which the application is made.

Section 60.20 - Notification of Hearing or Proposed Action
The following notification shall be made:

A. Notice shall be given in a newspaper of general circulation in the area affected at least ten (10) days prior to the date of hearing.

B. The following shall receive personal notice by regular mail:

1. The applicant.

2. All property owners within:

   (i) 100-feet of the property which is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;
   (ii) 250-feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
   (iii) 750-feet of the property which is the subject of the notice if such property is within a farm or forest zone and outside of an urban unincorporated areas or an urban growth boundary.

3. Affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

For the purpose of personal notification, the records of the Department of Records and Assessments shall be used. Only those names appearing on the last tax rolls need be notified of the proposed action. The failure of the property owner to receive notification shall not invalidate the proceedings, providing a good faith attempt was made to notify persons entitled to personal notice.

Section 60.25 - Continuation of Hearings
The hearing may be continued from time to time as necessary to gather additional information and no additional notice be given if the hearing is continued to a date certain.
Section 60.30 - Hearings on Proposed Action

A. Hearings on proposed actions shall be in accordance with the Rules of Procedure adopted by the hearings body for the conduct of hearings pursuant to this Ordinance.

B. For land within an urban growth boundary, the hearings body or the hearings officer shall take final action on an application within 120 days after the application is deemed complete, and shall take final action on all other applications outside the urban growth boundary within 150 days after the application is deemed complete.

C. Completeness Review: When an application is submitted, and received by the Planning Department, staff shall review the application for completeness. The completeness review shall be concluded within a reasonable period of time, not to exceed 30-days from the date the application was received.

1. Incomplete application: If an application is determined to be incomplete, the Planning Department shall notify the applicant in writing, within 30-days of the date the application was received, to specify exactly what information is missing, and to allow the applicant up to 180-days from the date the application was initially received to submit a written response. The application shall be deemed complete for the purpose of initiating the land use action process when the Planning Department receives, in writing, one of the following:

   (i) All of the missing information;
   (ii) Some of the missing information and written notice from the applicant that no other information will be provided; or
   (iii) Written notice from the applicant that none of the missing information will be provided.

2. On the 181st day after first being received by the Planning Department, an incomplete application shall be void, if the applicant was notified of the missing information and failed to respond in writing as provided in C.1 above with no opportunity for a refund of the application fee.

3. The statutory time limit for making a final local decision (120/150 days) may be extended, upon written request from the applicant, as long as the total of all such extensions does not exceed 215 days.

D. The action may be to approve the application as submitted, to deny the application or to conditionally approve the application with conditions as may be necessary to carry out the Comprehensive Plan and as provided in Section 60.14. In all cases, the hearings body or
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officer shall state its decision upon the close of the hearing or upon continuance of the matter to a time certain.

Section 60.35 - The Burden of Proof
The Burden of Proof is placed on the applicant seeking an action pursuant to the provisions of this Ordinance. Unless otherwise provided for in this article, such burden shall be to approve:

A. Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.

B. The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.

C. The proposed action is in compliance with the Comprehensive Plan.

D. The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

1. The characteristics of the various areas of the County.
2. The suitability of the subject area for the type of development in question.
4. Density of development.
5. Property values.
6. The needs of economic enterprises in the future development of the County.
8. Natural resources.
9. Public need for healthful, safe and aesthetic surroundings and conditions.

E. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider. In all cases, the hearings body or officer shall enter findings based upon the record before it, to justify its decision.

Section 60.40 - No New Application
If the application is denied no new application for the same or substantially similar action shall be filed for at least one-year from the date of final order on the action denying the application.

Section 60.45 - Conditions of Approval
The following limitations shall be applicable to conditional approval:
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A. Conditions shall be fulfilled within the time set forth in the approval.

B. Such conditions shall be reasonably conceived to fulfill public needs.

C. Changes or alterations of conditions shall be processed as a new administrative action.

D. Such conditions may be set forth in a contract executed between the Board, acting by and through its Chairman, and the property owner and any contract purchasers. If a contract is required, no building permit for the use applied for shall issue nor shall the use applied for be deemed approved until such properly executed contract is filed with the Director of Records and Assessments of Hood River County. Such a contract shall be properly signed and executed within 30 days after approval provided, however, that the Board may grant reasonable extensions in cases of practical difficulty. Such contract shall be enforceable against the signing parties, their heirs, successors and assigns by Hood River County by appropriate action in law or suit in equity.

E. Failure to fulfill any condition within the time provided may be grounds for initiation of enforcement provision in Article 70, or revocation of the permit as provided in Article 1.

F. A bond, in a form acceptable to the Planning Director, cashier's check or a cash deposit from the property owners or contract purchasers in such amount as will assure compliance with the conditions imposed pursuant to this article may be required. Such bond shall be posted at the same time the contract containing the conditions to approval is filed with the Director of Records and Assessments.

Section 60.50 – Evidence
All evidence offered and not objected to may be received unless excluded by the hearings body or officer on its or his own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon the conduct of everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for a contested case before state administrative agencies pursuant to ORS 183.450 except as otherwise provided herein.

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be returned when the period for review has expired but shall otherwise be preserved by the Planning Director. Evidence may be reserved subject to a later ruling as to its administer ability.

Section 60.55 - Oath
The hearings body or officer may place any person submitting testimony under oath or affirmation.
Section 60.60 - Records
A verbatim record of the proceedings shall be made by oral, written or mechanical means, the record need not be transcribed except on review of the record.

Section 60.65 - Time Limits for Oral Presentation
The hearings body or officer may set reasonable time limits for oral presentation to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing and he or it may exclude or limit cumulative, repetitive or immaterial matter.

Section 60.70 - Ex-Parte Contact
Members of the hearings body or hearings officer shall not:

A. Communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate; nor

B. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the material so noticed; nor

C. Inspect the site with any party or his representative unless all parties are given an opportunity to be present.
ARTICLE 61 - REVIEW BY THE BOARD

Section 61.00 - Final Decision
The decision of the hearings body or officer shall be final unless an appeal is filed within 15 days of the date the hearings body’s or officers’ decision is signed.

Section 61.02 - Board Procedure
Review by the Board shall be accomplished in accordance with its own adopted Rules of Procedure. The Board may continue the hearing from time to time to gather evidence or to consider the application fully. Unless otherwise provided by the Board, no additional notice need be given of continued hearings if the matter is continued to a time and date certain.

Section 61.04 - Notices
Notice of hearing and a record of the proceeding shall be the same as required for initial hearings on proposed action.

Section 61.06 - Standing

A. Any "party" having "standing" as provided by this section may appeal to the Board of Commissioners an action or ruling of the initial hearings body or officers.

B. The Board review of final actions or rulings by the initial hearings body or officer shall be solely as provided in this article.

C. In order to have standing for review under this Ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must have submitted testimony in writing or by testifying at the hearing on the matter on which the Planning Commission based its action or ruling. The following are hereby defined as "parties" having standing for review under this Ordinance:

1. A person or persons jointly or severally adversely affected or aggrieved in fact by an action or ruling of the Planning Commission.

2. A governmental agency, civic or community organization, which demonstrates to the Board that it has a valid interest in the preservation of aesthetic, healthful, or conservational conditions for the welfare of the general public.

3. Any other person who demonstrates to the Board that his legal rights are affected by the outcome of the hearing.
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4. The Board of County Commissioners shall make all decisions of qualifications as a party having standing under this Ordinance prior to the matter on appeal.

Section 61.10 - Appeals

A. The filing of the application of appeal shall not stay enforcement of the initial hearing body or officer’s order or ruling, but the Board may do so upon requiring the giving of a bond or other undertaking or upon such other terms as it deems proper. Any bond or other undertaking executed pursuant to this subsection shall be in favor of Hood River County, Oregon for its benefit and for the benefit of whomever else it may concern and may be enforced by the Board or any other person concerned in an appropriate proceeding as their interest may appear.

B. At least 7 days prior to the hearing the Planning Director shall transmit to the Board of Commissioners the original or a certified copy of the entire record of the proceeding under review, but, by stipulation of all parties to the review proceeding, the record may be shortened. The Board may require or permit subsequent corrections or additions to the record when deemed desirable.

C. All notice given of the public hearing shall be by publication in a newspaper of general circulation in the county not less than ten (10) days prior to the date of the hearing. Such notices shall also be sent by mail to all property owners within 250 feet of the exterior boundaries of the property, which is the subject of the appeal.

D. If, not later than 15 days before the date set for the hearing on the petition application is made to the Board for leave to present additional evidence, and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good substantial reasons for failure to present it in the proceeding before the initial hearing body, the Board may order the additional evidence to be taken before the initial hearings body upon such conditions as the Board deems proper. Notice of the time and place where the initial hearings body is to take the additional evidence shall be published in the same manner as in the original hearing. The initial hearings body may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the Board file with the Board, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or that it elects to stand on its original findings and order.

E. The Board's review of the Planning Commission's order shall be confined to the record unless the Board elects at its option to hear the application de novo and
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allow testimony and other evidence in addition to that received upon initial action. If the Board elects to hear the application de novo this fact shall be included in the notice of the hearing.

F. If the review of the initial hearings body's order is a review on the record and not a de novo hearing, no additional evidence shall be received. However, in the case of disputed allegations of irregularities in procedure before the initial hearings body, the Board may take evidence limited to the alleged irregularities in procedure and make findings of fact and enter an order upon them.

G. The Board may modify, affirm, reverse or remand the hearings body’s order. The Board shall reverse or remand the initial hearings body's order only if it finds:

1. The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the Board shall find that substantial rights of the petitioning party were prejudiced thereby and defects in the content of the notice required by this section but not asserted at or prior to the commencement of the hearing before the Planning Commission; or

2. The rule or order is not supported by reliable, probative and substantive evidence on the whole record, or is not supported by sufficient probative and substantial findings of fact.

H. The Board may adopt or include findings of the initial hearings body as it sees fit. If the Board's decision upholds the decision of the initial hearings body, the Board shall make findings substantiating their decision. In the case of reversal or modification, the Board shall make findings of facts based upon evidence in the record and conclusions of law indicating clearly all respects in which the Board disagrees with or modifies the initial hearings body's order.

I. In the case of a remand to the Planning Commission or Hearings Officer, the Board shall give instructions regarding the specific issues on which the Board requires additional testimony, information, discussion or findings. The Board may also provide direction regarding hearing procedures, such as limiting testimony to remand issues, etc. The decision on whether to remand shall not be appealable.

J. All decisions of the Board of Commissioners under this article shall be final and shall be reviewed only upon writ of review as provided in ORS Chapter 34.
ARTICLE 62 - LEGISLATIVE AMENDMENTS

Section 62.00 - Initiation
An amendment, supplement or change to the text or maps of this ordinance may be initiated by:

A. The Board of Commissioners.
B. The Planning Commission.
C1. The Planning Director.

Section 62.02 - Procedures
A. A public hearing shall be held by the Planning Commission on all changes initiated by the proceedings of Section 62.00.

B. The Planning Commission may continue the hearing from time to time to gather additional evidence it feels necessary to render a reasonable decision. No additional notice is necessary if the hearing is continued to a date certain. Reasonable effort shall be made to give the public notice of any continued hearing date.

C. At the close of the hearing, a recommendation regarding the change or amendment, together with relevant information shall be referred within a reasonable time to the Board for action.

D. Within 30 days from receipt of the recommendation the Board shall conduct a public hearing, which may be continued from time to time to gather additional information. No additional notice is necessary if the hearing is continued to a time certain.

E. At the close of the hearing the Board shall render a decision either immediately thereafter or at a specified time indicated at the close of the hearing.

Section 62.04 – Notice
Notice of the time, place and purpose of the Planning Commission and Board's hearing shall be given in the following manner:

A. By publication of a notice in a newspaper of general circulation at least 10 days prior to the date of the hearing.

B. By notification through regular mail of all property owners in the proposed zoning areas and all property owners located within 250 feet of the exterior boundary or the proposed zone change.

C2. By notification through regular mail to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice.

D. Failure to receive notification of the public hearing shall not invalidate the zone change.

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1 Adopted May 1998; HRC Ordinance #222
2 Revised 7-21-03 as part of TSP adoption; HRC Ordinance #249, effective 8-22-03
ARTICLE 64 - LAND USE PERMITS

Section 64.00 - Definition, Initiative, Type
A Land Use Permit means a permit issued pursuant to this Article and subject to the definition of “Ministerial Action (Type I)” in Article I of this Ordinance.

Section 64.05 - Required
Prior to the issuance of any building permit and prior to the commencement of any land use except for those listed in Section 64.30 and Section 55.60.A, a Land Use Permit shall be issued by the Planning Department.

Section 64.10 - Contents of Application for Land Use Permits

A. Location of dwelling with dimensions to lot line, streets, etc.

B. Location of other buildings both existing and proposed.

C. Location of septic tanks, leech fields, test pits.

D. Means of access, location, width, type (gravel road, county road).

E. Source of water supply.

F. Off street parking.

G. Locations of rivers and streams, their bankfull stage (ordinary high water mark) locations and the boundaries of Stream Protection Overlay Zone(s).

Section 64.15 - Procedure for Land Use Permits

A. The application including the data required by Section 64.10 shall be submitted to the Planning Department.

B. The application shall be submitted to agencies or officials deemed necessary by the Planning Department.

C. The application shall either be approved or denied.

D. The application shall be approved if the following standards are met:
   1. The application meets the requirements of this Ordinance and the Comprehensive Plan.
Article 64 – Land Use Permits

2. The method of sewerage disposal has been approved by the Department of Environmental Quality or approval has been made by a Sanitary Sewerage Agency.

3. Potable water supply has been approved by the County Health Department or an approved public or community water supply agency or company.

4. Approved access.

E. Conditions of approval may be established providing the conditions are consistent with this Ordinance.

F. If approved a Land Use Permit shall be issued. If a building permit is required, a copy of the permit shall be forwarded to the building official. If the application is denied the applicant shall be informed in writing of the denial, and the conditions, if any, necessary to make the application acceptable for approval shall be specified.

Section 64.20 Contents of Application for Commercial, Industrial and Multiple Family Land Use Permits

A. Lot dimensions.

B. All buildings and structures: location, height, size and proposed use.

C. Walls and fences: location, height and materials.

D. Off-street parking: location, tabulations of number of bays, dimensions of parking areas and spaces, internal circulation pattern. In compliance with this Ordinance.

E. Access: pedestrian & vehicular service.

F. Signs: location, size, height, type in compliance with this Ordinance.

G. Lighting: location, hooding devices, and general nature.

H. Landscaping: location, general nature, method of maintenance.

I. Location, dimensions and method of improvements of all property to be dedicated to the public or to public utilities.

J. Location, size and treatment of truck storage facilities.
Article 64 – Land Use Permits

K. Locations of rivers and streams, their bankfull (ordinary high water mark) stage locations and the boundaries of Stream Protection Overlay Zone(s).

Section 64.25 - Land Use Procedures for Commercial, Industrial and Multiple Family Uses

A. The application including the data required by Section 64.20 shall be submitted to the Planning Department.

B. The application shall be submitted to agencies or officials deemed necessary by the Planning Department.

C. The application shall either be approved or denied.

D. The application shall approved if the following standards are met:

1. The application meets the requirements of this Ordinance and the Comprehensive Plan and the use is permitted in the zone.
2. If the proposed use requires sewerage disposal, the method of sewerage disposal shall be approved by the Department of Environmental Quality or an approved sanitary sewerage agency.
3. If potable water supply is required, approval by the County Health Department or an approved public or community water supply agency or company is required.
4. Approved access.
5. Approval or conditional approval from the fire protection agency servicing the site.

E. Conditions of approval may be established providing the conditions are consistent with this Ordinance.

F. If approved, a Land Use Permit shall be issued. If a building permit is required, a copy of the permit shall be shall forwarded to the building official. If the application is denied, the applicant shall be informed in writing of the denial, and the conditions necessary to make the application acceptable for approval shall be specified.

Section 64.30 - Land Uses Exempt from Permits

The uses specified below are exempt from the requirements of this Article. However, any land use, structure or building shall comply with the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance (e.g., dimensional and site development standards, property line setbacks and off-street parking requirements).

A. Fences and freestanding walls not exceeding eight-feet in height, including agricultural related fences, which are exempt regardless of their height. Although exempt from a Land
Article 64 – Land Use Permits

Use Permit, certain fences over six-feet in height are subject to building permit requirements.

B. Retaining walls that are 4-feet or less in height as measured from the bottom on the footing to the top of the wall. Although exempt from a Land Use Permit, certain retaining wall are subject to building permit requirements.

C. Swimming Pools. Although exempt from a Land Use Permit, swimming pools are subject to building permit requirements.

D. Alteration of a building that does not increase the lots coverage, or change the land use.

E. Temporary use of a real estate sign.

F. Replacement signs of the same size.

G. Accepted Timber Practice.

H. Uses requiring Conditional Use Permits, except those involving the construction of a new structure or an addition to an existing structure requiring a building permit.

I. Accessory buildings or structures that are exempt from a building permit, except for agricultural buildings.

J. Transportation improvements identified in Section 55.60(A) of Article 55 ("Supplementary Provisions") of this Ordinance.
ARTICLE 65 – NON-CONFORMING USE

Section 65.00 - Purpose & Intent
It is necessary and consistent with the establishment of this zoning code that all uses of land, or uses of structures not permitted in a zone, be regulated and permitted to exist under controls, the ultimate purpose of which is to phase out or change each non-conforming use to a conforming status.

A lawfully established structure, which does not meet the site development standards of a zone in which it is located, is considered a non-conforming structure. The provisions of this article do not apply to non-conforming structures unless the structure(s) also contains a non-conforming use. The action of replacing or expanding a non-conforming structure, in which a site development standard(s) remains unmet, shall be subject to the provisions of Article 66 – Variances.

Section 65.10 - Non-conforming Lots or Parcels

A. In zones other than those specified in provisions B below, in which a single family dwelling is permitted, a single family dwelling and accessory uses may be erected on any lot or parcel otherwise conforming to the requirements or all applicable county laws at date of this Ordinance or its amendments making the lot or parcel non-conforming.

B. A single family dwelling proposed on a non-conforming lot or parcel in a Forest Zone shall be subject to provisions in Article 4 - Forest (F-1), and Primary Forest (F-2) Zones and a single family dwelling proposed on a nonconforming lot or parcel in the Exclusive Farm Use zone shall be subject to provisions in Article 3 – Exclusive Farm Use (EFU) Zone.

C. If the proposed use or structure as outlined in A or B above fails to comply with setback or height requirements, the procedure outlined in Article 66 - Variances shall apply.

Section 65.20 - Nonconforming Use of Land or Use of Structure

A. The lawful use of land or use of a structure existing at the effective date of this ordinance or its amendments may be continued, although such use does not conform to the provision thereof, however, if such a use is discontinued for a period of one year, any such future use of such land or structure shall comply with the provisions of this ordinance.

B. The Planning Director may authorize the reinstatement of a nonconforming use only where it is demonstrated that such resumption or reinstatement is necessary to allow reasonable amortization of a capital investment. The procedure for reinstatement shall be the same as for Conditional Use Permits, conditions may be imposed if reinstatement is allowed.
C. In addition to and not in lieu of the authority in ORS 215 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a public or private school that has been disallowed because it does not primarily serve the residents of the rural area in which the school is located, including all buildings essential to the operation of a school is located, including buildings essential to the operation of a school may be expanded if:

1. The use was established on or before January 1, 2009; and
2. The expansion occurs on either the tax lot on which the use was established on or before January 1, 2009 or on a tax lot that is contiguous to that tax lot and which was owned by the applicant on January 1, 2009.¹

**Section 65.30 – Maintenance, Expansion or Replacement of a Nonconforming Use of Land or Structure**

A. The maintenance, or replacement in kind of a nonconforming use of land, or a nonconforming use of a structure is permitted. In kind replacement is considered to be in the same footprint and to the same or lesser extent as the existing use.

B. The Planning Director may authorize expansion, or replacement that is not in kind, of a nonconforming use of land, or a nonconforming use of a structure when it is found that such expansion or replacement will have no greater adverse impact on the neighborhood and will meet the site development standards of the zone in which it is located. The Application shall be reviewed under the procedures found in Article 72 (Planning Director’s Review Procedure).

**Section 65.40 – Vested Rights**

A. Allowance of non-conforming uses and structures applies not only to those in existence but also to those which are in various stages of development when a change in the law no longer allowing the use or structure occurs.

B. Hood River County desires to clarify the test of whether a vested right has been established. The test of whether a landowner has developed land to the extent that a vested right is acquired is defined in Hood River County by compliance with all of the following:

¹ Revised per HB 3099; Ref. File P-09-0240; Effective December 22, 2009
1. The property must have an approved land use permit for the type of development undertaken, i.e. must be platted as a partition or subdivision lot or qualify as an existing parcel with a land use permit for the proposed use or structure.
2. If required, a building permit has been issued for the proposed structure.
3. Proper access and utilities, including water, electricity, sewer or a site evaluation report approving the site for wastewater treatment and other utilities essential to the use must be in place, extended to, and ready to serve the proposed structure.
4. The property owner acted in good faith in obtaining the required permits and making the improvements.
5. The expenditures must be related directly to the nature of the improvements and the ultimate use of the completed project.

C. If qualified as a vested right, the structure must be completed within one (1) year from the time the building permit expires.
ARTICLE 66 - VARIANCES

Section 66.00 - Purpose and Intent
The intent of this article is to allow flexibility for certain situations in regards to numerical site development standards as required by this Ordinance. Applications shall be judged individually on a factual determination and shall not set a precedent for other applications.

Section 66.10 - Variance Procedures
The Planning Director will process Variances pursuant to Article 72. In granting a variance, conditions may be attached to protect the interests of the surrounding property or vicinity.

Section 66.15 – Activities Exempt from a Variance

A. Expansion of a non-conforming structure (a structure that does not meet setbacks) when the portion being expanded is located entirely outside of the setback area.

B. In kind replacement of a non-conforming structure (a structure that does not meet setbacks).

Section 66.20 - Variance Standards (Minor & Major)

A. No variance shall allow a use that is not provided for within the applicable zoning designation.

B. No variance regarding minimum lot size shall be approved for lands within the National Scenic Area, or for lands zoned Exclusive Farm Use (EFU), Forest (F-1) or Primary Forest (F-2).

Minor Variance

C. A variance may be granted only in the event that all of the following conditions have been shown to be met:

1. The variance will at the most have a minimal negative impact on adjacent properties;
2. The variance will result in more efficient use of the site, or result in protection of a natural feature.
3. An addition or replacement structure can extend beyond the existing building footprint into the required setback, but not extend closer to the property line, road or stream unless within the percentages provided in Subsection 4 below or with a Major Variance. In the case of a replacement structure, this standard shall only apply to new structures that overlap at least a portion of the existing structure’s footprint.
4. The variance does not exceed the following percentages:

   a. Setbacks: No more than 25% of requirement
   b. Lot Dimension: No more than 10% of requirement
   c. Height: No more than 10% of requirement
   d. Lot Area: No more than 10% of requirement
   e. Lot Coverage: No more than 10% of requirement

Major Variance

5. Exceptions to the Subsection above may be granted if the following circumstances exist:

   a. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of property, since enactment of this Ordinance, have had no control.

   b. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

   c. Strict adherence to the requirement will result in a substantial economic impact to the property owner.
ARTICLE 72 - PLANNING DIRECTOR'S REVIEW PROCEDURE

Section 72.00 - Purpose
The purpose of this Article is to establish procedures for approval of actions by the Planning Director, and to create procedures for appeal and review of the Director's decision.

Section 72.05 – Review Actions
The Director shall have the authority to review and make written decisions regarding application types and actions listed under Section 72.15 below.

Section 72.10 - Pre-Application Conference
The Director shall coordinate and conduct a pre-application conference prior to accepting an application.

Section 72.15 - Application
The Director shall review and make a decision regarding the following application types and actions:

A. Variances.
B. Dependent relative permits and other temporary uses.
C. Non-farm dwellings.
D. Conditional Use Permits.
E. Reinstatement of discontinued non-conforming uses and enlargement of non-conforming uses.
F. Non-forest dwellings on pre-existing non-conforming lots and lots of record in the Forest zones.
G. Major and Minor Partitions.
H. Plan and Zone Boundary adjustments.
I. Alteration or repair of a non-conforming use.
J. Other actions prescribed in the County Administrative Code and the County Subdivision/Zoning Ordinances or by the Board.
K. Non-Ministerial Property Line Adjustments
L. Exception and Hardship Variance requests under the Stream Protection Overlay Zone.
M. Transportation projects identified as conditional uses in Article 55 (Supplementary Provisions), Section 55.60(B) of this Ordinance.
Article 72 - Planning Director’s Review Procedure

Section 72.20 – Notice

A. Notice shall be sent by mail to all property owners within 250’ of the property which is the subject of the application.

B. Notice shall be sent to affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

C. Notice shall be placed in a newspaper of general circulation at least 10 days prior to the Director's final decision.

Section 72.25 - Director's Review Procedure

A. Within 30 days after accepting an application for action, the Director shall act on the application unless such time limitation is extended by consent of the applicant.

B. Upon receipt of a complete application the Director shall:

1. Provide notice and send referrals to affected agencies;

2. Prepare a final report containing at least Findings of Fact and Conclusions of Law; and

3. Prepare a decision to approve, conditionally approve, or deny the request.

C. The Director's decision can be appealed to the Planning Commission. The Director will schedule to be heard at the earliest opportunity all applications that are appealed before the Hood River County Planning Commission. The hearing shall be conducted in accordance with Article 60 - Administrative Procedures of this Ordinance.

Section 72.30 – Director’s Decision

A. The Director shall render his decision on an action within the time frame specified by this Ordinance.

B. The Director's decision shall be made in a written report taking into consideration at least the following:

1. The Burden of Proof is upon the applicant seeking an action pursuant to the provisions of this Ordinance. Consequently, the applicant shall present documented findings and other information addressing provisions of applicable ordinances at the time application is submitted. Such burden shall be to prove the proposed use complies with the following
Article 72 - Planning Director’s Review Procedure

applicable requirements: (a) elements of the Comprehensive Plan; (b) criteria, factors and provisions of this Ordinance; (c) Burden of Proof criteria as specified in Section 60.10 of this Ordinance; and (d) Statewide Planning Goals.

2. Relevant factors include proof of change in the Plan or mistake in the Plan or zoning for the subject property.

3. Written comments provided by the applicant, adjacent property owners, or affected public agencies and local jurisdictions, or other persons. The Director shall prepare a final report including Findings and Conclusions to justify his decision.

C. If conditionally approved by the Director, the following limitations shall apply: (1) conditions shall be fulfilled within the time limitation specified in the approval, or if no time is specified, within a reasonable time limit agreed upon by the applicant and Director; (2) conditions of approval shall be reasonable and shall insure the protection of the public's health, safety and welfare, or to fulfill public service demands generated by the proposed use; (3) conditional approval may require the applicant to sign a contract with the County for enforcement of conditions. Such contract shall be executed within 30 days after conditional approval is granted, provided however, that the Director may grant reasonable time extensions. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permits shall be issued for the use covered by the applications until the executed contract is recorded in Hood River County. Such contract shall not restrict the power of subsequent actions with or without conditions. Such contract shall be enforceable against the signing parties, by Hood River County by appropriate action for the benefit of the public health, safety and welfare; (4) a bond in the form acceptable to the Director or upon appeal or review by the Commission or Board, or a cash deposit from the property owner or contract purchasers in such an amount as will assure compliance with the conditions imposed, may be required. Such bond or deposit shall be recorded in Hood River County; and (5) failure to fulfill conditions of approval within time limitations may be grounds for revocation by the Director.

D. The Director's final decision could include a recommendation that the Planning Commission conduct a hearing regarding the application.

E. If an application is denied by the Director and no higher authority reverses such denial upon appeal, no application for the same or substantially similar action shall be filed for at least 12 months from the date of the final order on the application denying the application.

F. Minor or major modifications are subject to Article 1, Section 1.090 of this Ordinance.

Section 72.35 - Notice of Director's Decision

A. The Director's decision shall be filed in the County Planning Department and mailed to the applicant and all applicable parties.
Article 72 - Planning Director’s Review Procedure

B. Notice of decision shall contain: (1) identification of application; (2) Findings of Fact or Conclusions of Law of the Director; (3) other information pertinent to the application; and (4) the date of the Director's decision.

C. The Director shall notify the Planning Commission and Board of final decision(s).

Section 72.40 - Appeal from Decision of the Director

A. At the request of the Planning Commission, the Director's final decision can be subject to review through a hearings process. The request shall occur within 15 days after the Director final report is completed.

B. The Planning Director's decision shall be final unless written appeal is received by the Director within 15 days after the Director's decision is presented in a final written report, or unless the Commission or Board on its own motion, orders review within 15 days after the Director's final report is completed.

C. Filing fee for appeal of Planning Director's decision shall be according to the current fee schedule.

D. Those making an appeal must have standing as prescribed in Section 72.45.

Section 72.45 – Standing

A. Any "party" having "standing" as provided by this section may appeal to the Planning Commission the Director's decision.

B. In order to have standing for review under this Ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must attend a conference or submit written comments to the Director prior to the Director's final decisions and speak or introduce written comments in opposition to the Director's ultimate act or decision, unless the party can show to the Planning Commission good cause or reason why a discussion or submittal of information to the Director was not possible. The following are hereby defined as parties having standing for review under this Ordinance:

1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this Ordinance prior to the time set for final hearing on review.

2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.

3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic,
Article 72 - Planning Director’s Review Procedure

healthful, or conservational conditions for the welfare of the general public.

4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.
ARTICLE 73 – HOME OCCUPATION TO HOST WEDDINGS & RELATED EVENTS

Adopted by Hood River County – Ordinance #255 & #261
Article 73, Ordinance #255 – effective July 22, 2004
Section 73.30(M)(1)(e), Ordinance #261 – effective January 20, 2005
Amended October 17, 2012 – Ordinance #311

Section 73.10 - Purpose & Intent
The purpose of this Ordinance shall be to prescribe procedures under which a home occupation
to host weddings and related private events may be permitted as a conditional use in Hood River
County. This ordinance seeks to protect the character of single family residential neighborhoods
and to ensure protection of lands zoned Residential, Rural Residential, Rural Center, Exclusive
Farm Use, and Forest, while allowing the orderly and reasonable occurrence of wedding events in
Hood River County. The intent of this Ordinance is to recognize and to provide the following:
An established Bed & Breakfast (B&B), farm, or winery is allowed to apply for a Conditional
Use Permit for a Home Occupation to host weddings and related events as an accessory use to
their existing operation (of a B&B, farm, or winery).

The County recognizes the following: local needs and demands generated by the scenic character
of the area and related tourism invite Hood River County to accommodate hosted weddings; doing
so will assist in diversifying the County's economy. The County's rural land base contains different
development characteristics than those noted in urban areas and cities, and therefore its natural
amenities attract such events.

The Ordinance is not intended to apply to events hosted at such public gathering places as churches,
community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit
organizations for charitable purposes. Nor is this Ordinance intended to apply to events covered by
the State’s Mass Gathering Statute (ORS 433.735 - 433.770).

Section 73.15 – Applicability
This ordinance applies to the following zones: Residential Zone (R-1); Residential Zone (R-2);
Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); Forest
Zone (F-I); and Exclusive Farm Use Zone (EFU). It also applies to appropriate zones (i.e., where
the primary use is allowed) in designated unincorporated communities. In the Hood River Urban
Growth Area (UGA), it applies to those zones which allow Bed & Breakfasts (B&Bs); and in the R-
1 zone, to B&Bs legally existing as of January 1, 2004.

This ordinance does not apply to land zoned Commercial (C-1); Industrial (M-1); or Light Industrial
(M-2); or to land located within the County’s Columbia River Gorge National Scenic Area (NSA).
Section 73.20 – Definitions

A. Established Bed & Breakfast (B&B): A use established as a B&B by a Conditional Use Permit approved under Article 56 (Bed & Breakfast Facilities), or Article 65 (Non-Conforming Use) of the Hood River County Zoning Ordinance, or otherwise lawfully established; and in operation for at least a year. B&Bs are allowed to be run by owners or lessees, only if residents, as per Article 56 (B&B) of the County Zoning Ordinance.

B. Established Farm: A parcel or parcels operating as a farm with a demonstrated capability of meeting Article 3 (Exclusive Farm Use), Sections 3.06(C) and (D) “Primary Farm Dwelling” (high value) of this Ordinance. The farm must be owner-operated.¹

C. Established Winery: A winery which meets the standards established in ORS 215.452, or otherwise lawfully established. The winery must be owner-operated.

D. Weddings: Private wedding events, hosted by the permit holder for a fee.

Section 73.25 - Conditional Uses
The following conditional uses are required to comply with applicable requirements of the zone in which the home occupation is located, as well as with provisions in Article 60 (Administrative Procedures), Article 72 (Planning Director's Review Procedure), and this Article:

A. A home occupation to host weddings proposed in the following zones shall comply with applicable requirements of the zone in which it is located: Residential Zone (R-1); Residential Zone (R-2); Rural Residential Zone (RR); Rural Center Zone (RC); Historic Preservation Zone (HP); and Urban Growth Area. If the property is located adjacent to a Farm or Forest Zone, prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.

B. A home occupation to host weddings proposed in the Forest Zone (F-I) and Exclusive Farm Use Zone (EFU) shall comply with the following additional requirements:

1. A home occupation proposed in the Forest Zone (F-I) shall also comply with provisions in Section 5.25 (Conditional Use Criteria) of Article 5 (Forest Zone) of the Hood River County Zoning Ordinance.

2. A home occupation proposed in the Exclusive Farm Use Zone (EFU) shall comply with

¹ Hood River County Ordinance #311.
provisions in Section 3.05 (Conditional Use Review Criteria) of Article 3 (EFU Zone) of this Ordinance, and ORS 215.296.

3. Prior to operating the proposed event site, the applicant shall record a deed statement acknowledging the right of adjacent farm and nearby forest operators to employ accepted farm and forest management practices. Such practices include, but are not limited to: noise, dust, spray, smoke, etc.

4. For farms and wineries, the wedding event site shall be located on property that comprises part of the farm operation or winery. If the approved wedding event site is located on a lot or parcel on which the principal dwelling for the farm or winery is not located, approval for the use of the site shall become null and void if the parcel is sold as a separate and discrete parcel from the farm operation.

5. Approval of a conditional use permit issued under Article 73 does not create an entitlement that would supercede or countermand the right to farm.

6. The use may be affected by ORS Chapter 477 (“Fire Protection of Forests and Vegetation”), which allows the State Forester to permit closures which restrict access in case of fire hazard on forestland.

Section 73.30 - Limitations on Use
In the event a Conditional Use Permit is granted, the following standards and limitations on use shall apply:

A. Application for this conditional use permit is limited to the following, as defined in Section 73.20:
   1. Established Bed & Breakfast
   2. Established Farm
   3. Established Winery

B. Frequency of events: No more than one event per day is allowed.

C. Maximum number of guests: Shall be based on the capacity of the site, and shall be specified in the application. No more than 300 guests maximum are allowed at any one event.

D. Duration of event: No event shall take place outside the hours of 7:00 am – 10:00 pm.
E. **Lighting**: Exterior lighting shall not project into an adjoining residential area. Use of stadium-style, or other glaring lighting is prohibited. Lighting of accessible paths may be required, if necessary.

F. **Noise**: It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area.

Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- The time of day or night the noise occurs;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The nature and zoning of the area within which the noise emanates and where it is received;
- Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this ordinance if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or

2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant’s property lines within a residential district or near a residential area.

Article 73’s noise standards shall supercede the County’s Noise Ordinance, if there is a conflict between the provisions in the two.

G. **Parking**: It shall be in compliance with Article 51 (Off-Street Parking & Loading) of the Hood River County Zoning Ordinance. Parking in compliance with ADA (Americans with Disability Act) guidelines shall be required as per the Oregon Structural Specialty Code.
H. **Fire & Emergency Vehicle Access:** Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.

I. Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.

J. Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol is served during an event.

K. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling’s on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.

L. One temporary sign may be allowed in addition to the allowed Bed and Breakfast sign. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the special event and shall be removed within 24 hours after the event.

M. Additional standards to the above apply to the Hood River Urban Growth Area and Urban Density Residential Zones (includes R-1; R-2; and RC zones located outside the UGA, and in urban density residential zones in designated unincorporated communities). Excluding the Rural Residential Zone.

   1. **Parking:** No on-street parking is allowed, except for some limited parking in the R-1 zone of the Hood River UGA, as described in subsection ‘e’ below. The applicant shall create a parking plan to accommodate all vehicles based on the maximum number of guests proposed. (In order to calculate parking capacity for the number of guests, provide one space per 3 people; provide one space per regular or contract employee; and retain adequate parking for the primary use.) The following information shall be included in the plan; *incomplete plans will be rejected*:

      a. The maximum number and type of vehicles anticipated, based on the maximum number of guests allowed (including spaces for the primary use; contract and regular employees; as well as guests of the event).

      b. The specific locations where vehicles can be lawfully parked and which will be available for parking [on-site, or off-site by formal agreement(s) with non-residential parking lot(s)] or any combination of these methods.
c. The number of vehicles to be accommodated at each location.

d. If off-site parking is proposed, include the following:

i. A signed statement of consent from the owner of that property(ies), including the terms of usage.

ii. Confirmation from the property owner(s) that adequate spaces are reserved for parking by the wedding event site.

iii. A parking and circulation plan for the use of that parking lot by the wedding event site, which addresses safety and includes the location for shuttle or valet pick-up.

iv. The types of services (valet or shuttle) that will be provided to transport guests to the wedding event site and back to their cars.

e. In addition to the above, Lakecliff Bed & Breakfast (B&B) may allow parking during weddings on Westcliff Drive west of Lakecliff B&B’s eastern property line and east of the I-84 Interchange, with parking on the south side of the street, subject to review and approval by Oregon Department of Transportation (ODOT), as well as applicable local agencies. Any parking for the use on Westcliff Drive shall be located on the south side of the street, outside of the fog lines, off of the paved surface and parallel to the roadway. No head-in or angled parking will be allowed. In addition, the first car parked on Westcliff Drive shall be located 50 feet east of the Westcliff Drive/Cascade Avenue intersection. There shall be a parking attendant. No parking for the use shall be allowed on Westcliff Drive east of Lakecliff B&B’s eastern property line. This provision is expressly conditioned upon the applicant obtaining a Conditional Use Permit for a home occupation to host weddings.²

The County and applicable Fire District shall review the plan to determine consistency with these requirements and to determine if sufficient, safe parking is identified. It is the applicant’s responsibility to communicate parking instructions consistent with the approved plan to all guests and contract or regular employees prior to the event.

Section 73.40 - Home Occupation Standards

In addition to the above requirements, the following Home Occupation Standards shall apply:

² Hood River County Ordinance #261
A. As set forth in Section 73.20 (Definitions), the Home Occupation shall be: Operated by a resident or employee of a resident of the property on which the business is located.

B. It shall employ on the site no more than five full-time or part-time persons.

C. It shall be operated substantially in:
   
   1. The dwelling; or
   2. Other buildings or areas designated in the permit which are normally associated with uses permitted in the zone in which the property is located.

D. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

E. Nothing in this section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the home occupation is to be established.

F. The existence of a home occupation shall not be justification for a plan and zone change.

G. It shall be subject to site plan review, as per Section 73.50 of this Article.

H. It shall comply with Section 73.10 (Purpose & Intent) and 73.20 (Definitions) of this Article.

I. The home occupation shall be incidental, accessory and subordinate to the primary use as a B&B, winery, or farm. The event site shall cease to operate if the primary use is discontinued.

J. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature; except for those characteristics normally associated with or allowed for a winery (if the primary use is a winery).

K. There shall be no permanent visible evidence of conduct of a home occupation from any road or adjacent property.

L. Only limited retail sales and sales accessory to services associated with the primary use or home occupation are permitted.
M. Approval is personal to the applicant and shall not run with the land except:

1. On an Established Farm: a buyer or a potential buyer of a farm, which has an existing home occupation to host weddings permit, may apply (with the farm owner’s permission) for a temporary conditional use permit to host weddings, which may be approved for a two year period commencing upon the date of sale of the tract. At the end of the two year period, the applicant must provide documentation demonstrating that the subject tract continued to produce at least $80,000 in gross annual income ($60,000 if not high value farmland) from the sale of farm products (the cost of purchased livestock shall be deducted when determining the gross annual income) for each of the two years. If such documentation is provided to the satisfaction of the County Planning Director, the permit becomes fully effective with no further land use reporting required on this aspect. If such documentation is not provided, the temporary wedding permit expires and operation of the site for weddings and related events must cease unless, as determined by the County Planning Director, conditions existed during one of those two years which precluded the required farm income from being generated, such as regional crop disasters or other broad type of impacts beyond the control of the affected farm. If such conditions are found to have existed, the County Planning Director may extend the temporary permit for a maximum of one additional year to allow the applicant the opportunity to meet the minimum farm income for each year.

2. At an Established Bed & Breakfast: a buyer or a potential buyer of a B&B, which has an existing home occupation to host weddings permit, may apply (with the B&B owner’s permission) for a temporary conditional use permit to host weddings, which may be approved for a one year period commencing upon the date of sale of the B&B. At the end of the one year temporary approval period, the applicant must provide documentation demonstrating that the B&B continued to operate during that one year period. If such documentation is provided to the satisfaction of the County, the permit becomes fully effective with no further land use reporting required on this aspect. If such documentation is not provided, the temporary wedding permit expires and operation of the site for weddings and related events must cease.

N. If sale of the property is contemplated, applicant will inform the County Planning Department. If selling, leasing or allowing another individual to use the property and home occupation occurs, approval of the conditional use permit shall become null and void, except as provided in Sections 73.40M1 and 2 above. Further use by other than the applicant requires additional review and approval by the Hood River County Planning Department.

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3 Hood River County Ordinance #311
4 Hood River County Ordinance #311
O. Permanent signage related to weddings and related events may only be included in the principal sign allowed, unless required by the State for the protection of the public's health, safety and welfare.

P. The use shall not generate additional traffic or parking beyond what is permitted in the Conditional Use Permit.

Q. The owner shall keep a record of the name and license # of the caterers used for each event for one year, for review upon request by County Environmental Health.

Section 73.50 – Site Plan Review

A. Applicant shall provide a written narrative and site plan addressing the following issues:

1. Designated area and existing structures to be used for the events

2. Number of events anticipated per season

3. Frequency of events

4. Maximum number of guests intend to serve

5. Noise

6. Infrastructure – How will you provide electricity and utilities to the event?

7. Parking & Circulation – Need to provide one (10’ x 20’) parking space per vehicle; estimate 3 people per car. See Sections 73.30(G) and (M).

8. Traffic and Access

9. Lighting

10. Environmental Health Aspects

   a. How will food be provided? Where will it be served?
   b. What is your domestic water source?
   c. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.
11. Safety & Insurance

12. Are alcoholic beverages being served? If so, are OLCC requirements being met?

Section 73.60 - Review of Use
Review of the use shall be subject to the provisions in Article 68 (“Revocation”), Section 68.10 (Periodic Review) of the Hood River County Zoning Ordinance.

Section 73.70 – Amendments
Amendments to an approved conditional use permit for a Home Occupation for Weddings and Related Events shall be processed as a new administrative action, subject to the provisions of this Article.

Section 73.80 – Enforcement

A. Notify law enforcement if there is a violation (pertaining to noise and parking).

B. The permit holder is responsible for any violations of their permit.

C. Unless an extension has been granted to the permit holder, a Conditional Use Permit issued under this Article shall automatically become null and void one year after the date on which it was granted if the use has not commenced.

D. If the primary use (farm, winery, or B&B) has been discontinued for over one year, or the secondary use (home occupation for weddings & related events) has been discontinued for over two years, the permit shall be considered null and void.

E. The Board of Commissioners with or without recommendation of the Planning Commission may void the Conditional Use Permit providing the following conditions and procedures are followed:

1. Upon review by the Planning Director a violation of the conditions of the Conditional Use Permit of this ordinance is found. The Planning Director shall inform the applicant by registered or certified letter, and regular mail, of the violation.

2. The Planning Director may refer the matter of the violation to mediation, if all parties to the matter, including the County, consent.

3. If the violation is not corrected, by mediation or otherwise, or if a subsequent violation occurs after issuance of the Planning Director’s notice of violation, the
Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation(s). The Board shall then set a hearing date on the violation.

4. At least 10 days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all who are notified of the original application and those who testified shall be notified by regular mail.

5. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.

F. In Exclusive Farm Use (EFU) and Forest (F-1) zones, the requirements below supercede Section 73.80(D) if the violation is specific to how the use affects farm or forest practices on surrounding resource lands.

1. A person engaged in farm or forest practices on lands devoted to farm or forest use may file a complaint with the County Planning Director alleging:

   a. That a condition imposed has been violated;

   b. That the violation has:

   A. Forced a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

   B. Significantly increased the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

   c. That the complainant is adversely affected by the violation

2. Upon receipt of a complaint, the local governing body or its designee shall:

   a. Forward the complaint to the operator of the use;

   b. Review the complaint in the manner set forth in the section in ORS 215 on Planning and Zoning Hearings & Review; and

   c. Determine whether the allegations made pursuant to subsection (1) of this section are true.

3. Upon a determination that the allegations of the complaint are true, the local
governing body or its designee at a minimum shall notify the violator that a violation has occurred, direct the violator to correct the conditions that led to the violation within a specified time period and warn the violator against the commission of further violations.

4. If the conditions that led to a violation are not corrected within the time period specified pursuant to subsection (3) of this section, or if there is a determination pursuant to subsection (2) of this section following the receipt of a second complaint that a further violation has occurred, the local governing body or its designee at a minimum shall assess a fine against the violator.

5. If the conditions that led to a violation are not corrected within 30 days after the imposition of a fine pursuant to subsection (4) of this section, or if there is a determination pursuant to subsection (2) of this section following the receipt of a third or subsequent complaint that a further violation has occurred, the local governing body or its designee shall at a minimum order the suspension of the use until the violator corrects the conditions that led to the violation.

6. If a home occupation for weddings and related events is initiated without prior approval, the local governing body or its designee at a minimum shall notify the user that prior approval is required, direct the user to apply for approval within 21 days and warn the user against the commission of further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval. If there is a determination pursuant to subsection (2) of this section following the receipt of a complaint that a further violation occurred after approval was granted, the violation shall be deemed a second violation and the local governing body or its designee at a minimum shall assess a fine against the violator.

7. A person residing in a single-family residential dwelling which was approved under ORS 215.213 (3), 215.284 (1), (2), (3), (4) or (7) or 215.705, which is within an exception area approved under ORS 197.732 or which is within an acknowledged urban growth boundary may not file a complaint under subsection (1) of this section.

8. Nothing in this section shall prevent a local governing body approving a use allowed under ORS 215.213 (2) or 215.283 (2) from establishing standards in addition to those set forth in ORS 215.296(1) or from imposing conditions to insure conformance with such additional standards.
Section 74.00 - Purpose

The purpose of this Article is to provide a process and standards for the construction, modification and removal of communication towers, meteorological towers, non-commercial wind energy systems using towers (collectively referred to as ‘towers’) while protecting public health and safety and the scenic quality of unincorporated Hood River County. At the same time it encourages managed development of needed wireless communication facilities.

The specific purposes of this Article are:

- To recognize that towers are required to serve a variety of public needs.
- To provide communication services to county residents, businesses and visitors.
- To protect the unique scenic quality of the county and its neighborhoods by the thoughtful design, siting, landscaping, and camouflaging techniques of wireless communication facilities.
- To encourage the collocation of facilities as a primary option rather than the construction
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of additional single-use towers.
• To ensure the prompt and complete removal of facilities when abandoned or discontinued, including site restoration.

Section 74.05 – Applicability
1. This Article does not apply to those areas within the Mount Hood National Forest, the Columbia River Gorge National Scenic Area, or the Urban Growth Areas of the cities of Hood River and Cascade Locks.
2. Wireless telecommunications facilities existing prior to the effective date of this Article that do not conform to the standards of this Article and which have been in continuous use prior to the effective date of this Ordinance are allowed to continue as non-conforming uses. Expansion of an existing facility is subject to the requirements of this Article if the proposed changes exceed the dimensional standards of the Spectrum Act (see 47 C.F.R. § 1.40001 and definition of “substantial change,” below).
3. All wireless telecommunication facilities are subject to the requirements of this Article, except those Exempt Towers and Facilities identified below. The requirements of this Article are in addition to the requirements of the base or overlay zone and all other applicable county ordinances and regulations. Except for height, if a conflict is noted between development standards, the restrictive will govern.

Section 74.10 - Exempt Facilities & Towers
The following towers and wireless telecommunication facilities are not subject to the standards and requirements of this Article:

1. Amateur (Ham) radio towers, citizen band transmitters and antennas.
2. Whip or other similar antennas no taller than 6-feet with a maximum diameter of 2-inches.
3. Residential scale antennas designed to receive television broadcast signals.
4. Low-powered networked telecommunications facilities such as microcell radio transceivers, small cell and Distributed Antenna Systems (DAS) located on existing utility poles and light standards within public right-of-ways.
5. Wireless communication devices less than or equal to 10 square feet in area and approved by the Federal Communications Commission (FCC) for residential areas (regardless of the zone).
6. Cells-On-Wheels (COW), are permitted as temporary uses in all zones for a period not to exceed 30 days or during a period of emergency as declared by the City, County, or State, or to address a short term capacity or coverage need, such as an event, relocation or repair of an existing facility.
7. Emergency or routine repairs or maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of approved facilities which
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do not create a significant change in visual impact.

8. Two-way communication transmitters used on a temporary basis by “911” emergency services, including fire, police, and emergency aid or ambulance service.

9. Essential public communication services such as police, fire and other emergency communication networks.

10. Existing electrical utility poles and towers.

Section 74.15 - Review Procedures

The review procedure and approval for an application for a communication facility and tower shall be as indicated in Table A and described in this Article.

Section 74.20 - Definitions

Abandonment – Wireless telecommunication facilities will be considered abandoned when there has not been a carrier licensed or recognized by the FCC operating on the facility for a period of one year (365 consecutive days).

Antenna - A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips.

Antenna, Whip - An antenna that transmits or receives 360 degree signals. Whip antennas are typically cylindrical in shape, less than 3 inches in diameter and no more than 6 feet long, including the mounting assembly.

Base Station - A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the County under this Chapter, supports or houses equipment described in paragraphs (i) - (ii) above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) For the purposes of a “Spectrum Act” Modification Request, the term does not include any structure that, at the time the relevant application is filed with the County under this Article,
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does not support or house equipment described in paragraphs (i) - (ii) of this definition.

Carrier/Provider - A company that provides wireless services.

Collocation - The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Concealment Technology - The use of technology (e.g., stealth) through which a wireless communications facility is designed to resemble an object which is already present in the natural environment; is designed to resemble a building, building feature or facade of a type typically found in the area; or is placed within an existing or proposed structure.

Eligible Facilities Request - Any proposed modification of an existing eligible support structure that does not substantially change the physical dimensions of that eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and which involves:

(i) Collocation of new transmission equipment;
(ii) Removal of transmission equipment; or
(iii) Replacement of transmission equipment.

Eligible Support Structure - Refers to any base station or tower as defined in this Article, provided that it is existing at the time the relevant application for a Spectrum Act modification is filed with the County under this Article.

Essential Public Communication Service - Police, fire and other emergency communications networks.

Equipment Shelter - A structure that houses power lines, cable, connectors and other equipment ancillary to the transmission and reception of telecommunications.

Existing Telecommunication Facility - A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process of the County, or under another State, or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this Article.

Existing Tower - A tower, or other supporting structure, attached equipment and associated structures that received land use approval prior to the adoption of this Article.

FCC - Federal Communications Commission.

Grade - The lowest point of elevation of the finished surface of the ground within 5 feet of the structure.

Maintenance - Emergency or routine repairs of previously approved facilities and the replacement of components of previously approved facilities which do not create a significant change in visual impact.
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**Microcell** - A cell in a mobile phone network served by a low power cellular base station (tower), covering a limited area such as a hotel, and typically the range is less than two kilometers. Microcell antennas are typically mounted at street level on the external walls of existing buildings, lamp-posts and other street furniture. These include small cells and Distributed Antenna Systems (DAS).

**Modification** - The changing of any portion of a tower and its associated facility from its description in a previously approved permit.

**Restoration** - To return a site to its pre-construction condition unless otherwise reviewed and approved by the Hood River County Planning Department.

**Site** - For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

**“Spectrum Act”** - Means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 47 U.S.C. § 1455(a), as amended.

**Speculation Communications Tower** - A tower designed for the purpose of providing location mounts for wireless telecommunications facilities without a binding commitment or option to lease a location upon the tower at the time of application.

**Substantial Change** - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;
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e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (a) – (d) of this definition.

g. For purposes of this definition, changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

Support Structure - A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.

Tower - A pole, telescoping mast, tripod or any other structure that provides support for or is an integral component of such devices as wireless antennas, wind power generation facilities and meteorological measuring and recording equipment.

Tower Height - The distance from the finished grade at the tower base to the highest point of the tower, including the base pad and turbine blades, mounting structures and panel antennas, but not including lightning rods and whip antennas.

Wireless Telecommunication Facility (“WTCF”) - An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Freestanding point-to-point microwave dishes, high power television and FM transmission and AM facilities are considered wireless telecommunication facilities.

Wireless Telecommunication Tower – Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Section 74.25 - Application Requirements

A complete application is one that contains the information required to address the relevant standards as specified by this Article. At any time during the application process, the Planning Director may request additional information relevant to the proposal. Furthermore, the Director may require review and validation of technical information contained in an application by a qualified, county approved, independent third party. The cost of such a review shall be borne by the applicant.

A. Submittal Requirements
The following information may be required for an application for a Type I, Type II, or a Type II Conditional Use Permit (CUP):

1. Description of the proposed facility; demonstrated need for the WTCF; distance from the nearest WTCF and nearest potential collocation site; total anticipated capacity of the structure, including number and types of antennas which can be accommodated; the proposed color, surfacing of the facility and associated fixtures; and use of concealment technology (if applicable).

2. A site plan, drawn to scale, that includes:
   a. Existing and proposed improvements.
   b. Adjacent roads.
   c. Parking, circulation and legal access.
   d. Connections to utilities required.
   e. Areas of existing and proposed vegetation to be retained, replaced, added, or removed.
   f. Setbacks from property lines of all existing and proposed structures.

3. Elevations showing height above ground, antennas, towers, equipment shelters, area enclosure and other improvements related to the facility.

4. A landscape plan, if ancillary facilities will be located on the ground, to obscure equipment.

5. Applications for eligible facilities or collocations requests must include documentation from a qualified professional demonstrating:
   a. Applicant has the owner’s permission to collocate, if applicable.
   b. The project will not produce noise levels in excess of the levels set forth in the Hood River County Noise Ordinance and state code.
   c. The eligible facilities request, if applicable, is not a substantial change, as defined in this Article.
   d. All components of the eligible facilities request are located within the previously approved site.
   e. The project complies with the conditions of approval for the structure’s existing permits.

B. Submittal Requirements - Construction of a New WTCF or Tower
In addition to the application requirements in Section A, specified above, applications for
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construction of new WTCF and towers shall include:

1. A vicinity map showing:
   a. The applicant's proposed facility site.
   b. Other sites in the vicinity evaluated for the proposed facility.
   c. Other similar existing facilities in the area and distance to them.
   d. The proposed coverage area and approximate geographic limits of the “cell” to be created by the facility.

2. A photographic simulation showing how the facility will appear on the landscape. The simulation should contain a graphic simulation showing the appearance of the proposed tower, antennas and ancillary facilities from at least three points within a five mile radius. Such points shall include views from public places, including but not limited to parks, rights-of-way, and waterways to ensure that various potential views are represented. The study shall also include existing scaled elements (e.g., houses, trees, power lines).

3. A report/analysis from a qualified professional documenting the following:
   a. Demonstrated need for the WTCF.
   b. Information justifying the need to locate the proposed facility in the requested location and why collocation is not feasible.
   c. The reasons why the WTCF must be constructed at the proposed height.
   d. The use of sensitive site design demonstrating compliance with Section 74.35.B (Siting Requirements).

4. A signed statement by the applicant and future owners or operators will allow collocation with other users provided all safety, structural, and technological requirements are met, and reasonable charges for collocation can be reached.

5. Documentation that the proposed WTCF is in compliance with the requirements of the FAA, the Oregon Department of Aviation, the FCC and any other local or state agency with jurisdiction.

6. Statement demonstrating compliance with the applicable Approval Criteria of this Article, and Burden of Proof Criteria in Article 60, if applicable.

Section 74.30 - General Standards & Requirements Applicable to New Facilities & Towers

A. Outstanding scenic views and sites will be conserved.
B. Protect and preserve the visual character of the county.
C. No application shall be accepted or approved for a speculation tower (i.e., from an applicant that proposes to construct a tower only). The application must be signed by a lawful representative of a service provider intending to lease the tower in addition to other required signatures.
D. The applicant has the burden of proof to demonstrate concealment technology designs have been explored and are unworkable with regard to the primary purpose of the tower or are not necessary for compatibility with the surrounding area.
E. All support structures shall be designed to comply with applicable Building Codes.
F. All necessary local, state and federal authorizations/permits shall be obtained prior to constructing the use.
G. The applicant shall comply with all applicable FCC Radio Frequency emission standards (FCC Guidelines).
H. Within 180 days of receipt of written notice, all facilities located on a utility pole shall be promptly removed at the operator’s expense at any time a utility is scheduled to be undergrounded or otherwise moved.
I. No WTCF shall be located on any single family residential structure.

Section 74.35 - Standards & Approval Criteria (Lands Not Zoned EFU)

A. Operating Requirements
If technologically possible, all new and replacement towers shall provide for the future collocation of antenna systems by other service providers with a tower sharing plan as follows:

1. The applicant and/or service provider of the wireless telecommunication tower, on behalf of his or her successors and assigns, shall agree to negotiate in good faith for shared use of the tower by third parties. The applicant shall allow shared use of the tower if the third party agrees in writing to pay reasonable charges for collocation.

2. Any proposed new wireless telecommunication tower shall be designed to accommodate both the applicant’s antennas and comparable antennas for at least two additional facilities if the tower is over 100 feet in height and for at least one additional facility if the tower is between 60 and 100 feet in height.

B. Siting Requirements

1. Location - WTCFs shall be located so as to minimize their visibility. The ranking of siting preferences is as follows: first, collocation upon an existing tower or existing structure; second, use of concealment technology; third, a new tower screened by trees or
other natural or built features; and last, other new towers.

a. **Collocation**
   1. All WTCF’s shall be designed to permit shared parking areas and access roads.
   2. Existing sites for potential collocation may include, but are not limited to buildings, water towers, existing WTCF’s, utility poles and towers, and related facilities
   3. A proposal for a new tower shall not be approved unless the approving authority finds that the wireless communications equipment for the proposed tower cannot be accommodated on any existing tower or structure within 2,630 feet of the proposed site, due to one or more of the following reasons (as documented by a qualified professional):
      a. No existing towers or support structures, or approved but not yet constructed towers or support structures, are available within the geographic area required to meet the applicant’s coverage objectives, including engineering requirements.
      b. Existing towers or support structures are not of sufficient height to meet the applicant’s coverage objectives, including engineering requirements.
      c. Existing towers or support structures do not have sufficient structural strength to support the applicant’s proposed antenna and related equipment and tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
      d. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure and the interference cannot be prevented at a reasonable cost.
      e. The applicant demonstrates that there are other limiting factors that render existing towers and support structures unsuitable.

b. **Use of Concealment Technology** - When demonstrated that it is not feasible to collocate the antenna(s) on an existing structure or tower, the WTCF shall be designed so as to be concealed to the greatest extent possible, including but not limited to the use of concealment technology, and the use of compatible building materials and colors. All concealment facilities shall be designed to visually and operationally blend into the surrounding area in a manner consistent with the natural environment and existing development. The facility shall also be appropriate for the specific site. For example, the WTCF should not “stand out” from its surrounding environment.

c. **Screening** - To the extent practicable, towers shall not be sited in locations where
Article 74 – Communication Facilities & Towers

there is no vegetative, structural, or topographic screening available. A WTCF tower not employing concealment technology shall not be installed on a site unless it blends with the surrounding natural environment and existing development. Existing trees or significant vegetation should be retained to the greatest possible degree in order to help screen a facility or tower. New vegetation used to screen a facility or tower shall be of a species similar to that existing at the site and a size acceptable to the approval authority and shall be planted immediately following completion of construction. Applicant agrees to maintain added vegetation.

2. **Height** - The maximum structure height requirements of each zoning district are not applicable to WTCFs which shall comply with the following requirements:

   a. See Table A for the height requirements in each zone. Request to modify height requirement are subject to Section 74.55.
   b. Building or other structure mounted WTCF, other than an existing tower or a concealed facility, shall not project more than twenty (20) additional feet above the highest point on the existing building or structure.

3. **Setbacks**

   a. Unless permission is received from affected property owner(s), road authority or utility; towers associated with a tower shall be required to meet the property line/yard setbacks and buffer requirements of the underlying zone in which they are located or a minimum distance equal to the total height of the tower plus 10% whichever is greater.
   b. Unless permission is received from affected property owner(s), road authority or utility; equipment shelters and guy wires associated with a tower shall be required to meet the property line/yard setbacks and buffer requirements of the underlying zone in which they are located.
   c. Exception to the setback standards of (a) or (b) of this section may be granted if the applicant can demonstrate all of the following:
      (i) A reduced setback would provide better concealment or screening than the setback required by (a) and (b) above.
      (ii) Signed agreements from adjacent property owners assenting to the reduced setback.

4. **Storage – Equipment Shelters**

   a. No on-premise storage of material or equipment shall be allowed other than that used in the operation and maintenance of the tower site.
   b. WTCFs (i.e. vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be non-reflective material (exterior surfaces only) that blends with the
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surrounding environment. All equipment shall be stored inside a building or suitable enclosure rated for outdoor use. The placement of equipment in underground vaults is encouraged.

c. WTCFs storage facilities shall be not taller than one story (15-feet) in height and shall blend with existing development.

d. Equipment shelters shall be entirely enclosed.

5. **Color & Visibility** - All buildings, poles, towers, antenna supports, antennas, and their accessory electrical control equipment shall be a non-reflective, unobtrusive color that blends in with the surrounding environment unless otherwise required by the FAA or Oregon Department of Aviation.

6. **Fences**
a. A sight obscuring fence may be required to be installed and maintained around the perimeter of a ground mounted facility not employing concealment technology.

b. Chain link fences shall be painted or coated with a non-reflective color that blends with the surrounding natural and built environment to the greatest extent feasible.

c. Barbed or razor wire fencing is discouraged, particularly in residential areas.

7. **Lighting**
a. No lighting shall be permitted on a tower, except as required by state or federal regulations or as required by the reviewing body for aerial spraying. If required, the light shall be shielded or deflected from the ground and other properties, to the extent practicable (e.g., dual mode light or radar trigger lighting).

b. No other exterior lighting shall be permitted on the premises unless necessary for emergency repairs and services.

8. **Signs & Advertising**
a. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

b. No commercial or advertising markings shall be allowed except those of the manufacturer and installer.

9. **Access Driveways & Parking** - All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the local Rural Fire District.

a. Existing driveways shall be used for access whenever possible.

b. New parking areas shall be shared with subsequent WTCF’s or other permitted uses whenever feasible. Any new access and parking areas shall consist of a durable and
dustless surface and shall comply with local Fire District Standards.

10. **Landscaping & Screening** - WTCF’s shall be improved in such a manner so as to maintain and enhance existing vegetation and to install suitable landscaping to screen the base of the tower and all accessory equipment where necessary. All of the following measures shall be implemented for all ground mounted WTCF’s including accessory structures.

   a. A landscape plan shall be submitted indicating all existing vegetation, and landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land, adjacent roads and public view areas. Planted vegetation shall be evergreen trees or shrubs and placed outside the fenced area.

   b. Existing trees and other screening vegetation in the vicinity of the facility and along the access drive shall be protected from damage during the construction period.

11. **Noise** – Noise generated by the WTCF shall comply with the Hood River County Noise Ordinance and not exceed the levels established by the State of Oregon, Department of Environmental Quality (DEQ). Operation of a backup generator in the event of a power failure or the testing of a backup generator between 8 AM and 8 PM are exempt from this standard. No testing of backup power generators shall occur between the hours of 8 PM and 8 AM.

*Requests to modify any of the above siting requirements/standards are subject to Section 74.55.*

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**Section 74.40 - Standards & Approval Criteria for Land Zoned EFU**

Facilities and towers located in Exclusive Farm Use (EFU) zone as authorized by ORS 215.283(1)(c) are subject to the criteria and standards as set forth in ORS 215.275.

A. That a facility is necessary under ORS 215.283(1)(c), an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the following factors:

1. Technical and engineering feasibility;
2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
3. Lack of available urban and non-resource lands;
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4. Availability of existing rights-of-way;
5. Public health and safety; and
6. Other requirements of local, state or federal agencies.

Cost associated with any of the factors listed above may be considered, but cost alone may not be the only consideration in determining that a WTCF is necessary for public service. Land costs shall not be included when considering alternative locations.

B. When a WTCF is abandoned or decommissioned, the property owner shall be responsible for restoring the land to its former agricultural condition as is reasonably possible. The owner may obtain a bond or other security from the contractor or carrier for the cost of restoration.

C. Conditions for mitigating and minimizing impacts resulting from the WTCF shall assure farm uses on surrounding lands will not experience significant changes in accepted farm practices or significant increases in the cost of farm practices on the surrounding farmlands.

Section 74.45 - Maintenance
The applicant, co-applicant or tenant shall maintain the WTCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

Section 74.50 – Abandonment

A. Determination of abandonment will be made by the Planning Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna use.

B. Upon determination of abandonment, the facility owner shall have 60-calendar days to:

1. Reuse the facility or transfer the facility to another owner who will reuse it within 120-calendar days of the determination of abandonment; or
2. Remove the facility.

C. If the facility is not reused within 120-calendar days of the determination of abandonment, county authorization for the use shall expire. Once authorization for the use has expired, the property owner or facility operator shall remove the facility from the property within 90-calendar days. Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject Article 1 – Enforcement.
Article 74 – Communication Facilities & Towers

Section 74.55 - Wireless Communications Facilities Adjustment

A. Applicability - Except as otherwise provided in this Article, no WTCF shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this Section. These provisions apply exclusively to wireless communications facilities, and are in lieu of the County’s generally applicable variance provisions.

B. Submittal Requirements - An application for a WTCF adjustment shall include:

1. A written statement demonstrating how the adjustment would meet the criteria.
2. A site plan that includes:
   a. Description of the proposed siting’s design and dimensions, as it would appear with and without the adjustment.
   b. Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment.
   c. Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

C. Criteria - An application for a WTCF adjustment will be granted if the following criteria are met:

1. The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.

2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

3. The owner demonstrates the existence of either of the following:
   a. Gap in Service
      (i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection.
      (ii) The gap can only be filled through an adjustment in one or more of the standards in this Article; and
(iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Article’s standards to the greatest extent possible.

b. Minimization of Impacts - The adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site’s size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
(ii) Better preservation of views or view corridors;
(iii) A decrease in negative impacts on property values; or
(iv) A decrease in any other identifiable negative impacts to the surrounding area’s primary uses.

D. Requests for adjustment under this subsection shall be considered part of the application to establish a WTCF, not a separate application.
### Article 74 – Table A: Height Requirement in Each Zone

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<th>COLLOCATIONS / ELIGIBLE FACILITIES REQUESTS ¹</th>
<th>HEIGHT LIMIT (Feet)²</th>
<th>TOWER WITH CONCEALMENT TECHNOLOGY</th>
<th>HEIGHT LIMIT (Feet)</th>
<th>NEW TOWER</th>
<th>HEIGHT LIMIT (Feet)</th>
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Footnotes:

¹ Existing facilities must be in compliance with the terms of existing permits, if any were required at the time the facility was constructed.

² Eligible facilities requests must not exceed the dimensional requirements of the Spectrum Act.

**Review Types:**

**Building Permit** – All approvals are subject to building code review and permits.

**Type I (Ministerial Review) / Land Use Permits (LUPs)** are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance or Article.

**Type II (Administrative Actions) / Planning Director’s Decision** involve permits that are Subject to Standards contained in Article 74, and do not include the “Burden of Proof Criteria” contained in Article 60.

**Type II - CUP (Administrative Actions) / Planning Director’s Decision** involve permits that are Subject to Standards contained in Article 74 and the “Burden of Proof Criteria” contained in Article 60. In the Forest and EFU zones, new tower without concealment technology reviews are subject to the CUP criteria contained in Sections 3.05 and 4.05 respectively. //Staff comment: Need to reevaluate this provision. Oregon courts have held counties may not apply local land use regulations to deny or condition uses authorized under 215.281(1), unless the county is required to do so by Land Conservation and Development Commission rules. Brentmar v. Jackson County, 321 OR 481, 900 2nd 1030 (1995). //, not the Burden of Proof Criteria contained in Article 60.
Hood River County Zoning Ordinance

Article 75
(National Scenic Area Ordinance)

Adopted by Hood River County (Ordinance No. 268)
June 29, 2005

Acknowledged by the Columbia River Gorge Commission
September 30, 2005

Effective Date: January 1, 2006

Amended: January 20, 2009 (Ordinance No. 294)
Acknowledged by the Columbia River Gorge Commission: May 12, 2009
Effective Date: July 16, 2009

Amended: May 7, 2018 (Ordinance No. 359)
Acknowledged by the Columbia River Gorge Commission: June 2018
Effective Date: June 12, 2018

Amended: November 15, 2021 (Ordinance No. 373)
Acknowledged by the Columbia River Gorge Commission: March 8, 2022
Effective Date: June 13, 2022
ARTICLE 75 - COLUMBIA RIVER GORGE

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Adopted by Hood River County (Ordinance No. 268)
June 29, 2005

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ARTICLE 75 - COLUMBIA RIVER GORGE

NATIONAL SCENIC AREA ORDINANCE (NSA)

010. Purpose and Authority

(1) The purposes of this Ordinance are (a) to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge National Scenic Area in the portions located in Hood River County, and (b) to protect and support the economy of the Columbia River Gorge National Scenic Area in the portions located within Hood River County by allowing future economic development in a manner that is consistent with (a) above.

(2) The guidelines, standards and regulations set forth in this Ordinance are adopted as referenced and required in Oregon Revised Statute 196, and are consistent with the Columbia River Gorge National Scenic Area Act, Public Law 99-663, the Management Plan adopted by the Columbia River Gorge Commission, October 15, 1991 with concurrence by the U.S. Secretary of Agriculture, February 13, 1992, and subsequent revisions. If any provision of this Ordinance is less restrictive than any provision of the Management Plan, state law, or this Ordinance the more restrictive provision shall govern.

015. Area Affected

This Ordinance applies to lands in Hood River County, Oregon within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act. Lands within the Scenic Area in Hood River County are depicted on maps entitled Boundary Map, Columbia River Gorge National Scenic Area, on sheets numbered NSA-001, dated September 1986 and referenced in Public Law 99-663.

020. Plan and Zoning Designation

The following zoning districts implement the land use designations shown on the map entitled Columbia River Gorge National Scenic Area Management Plan, Land Use Designations, dated 1992, as adopted by the Columbia Gorge Commission October 15, 1991:

(1) GENERAL MANAGEMENT AREA (GMA)

   (a) Large-Scale Agriculture (AG-1).
   (b) Small-Scale Agriculture (AG-2).
   (c) Commercial Forestland (F-1).
   (d) Large Woodland (F-2).
   (e) Small Woodland (F-3).
   (f) Open Space (OS).
   (g) Rural Residential (RR).
   (h) Public Recreation (PR).
(2) SPECIAL MANAGEMENT AREAS (SMA)

(a) Agriculture (AG).
(b) Forest (F).
(c) Open Space (OS).
(d) Public Recreation (PR).

(3) The following additional plan and zoning designations were adopted by the County in 1980 and 1984 and also apply to lands in the NSA in Hood River County. If conflicts are noted between provisions in these plan and zoning designations and Article 75, those in Article 75 shall prevail.

(a) Plan Designation: The Environmental Plan designation applies to the following symbols on the plan and zoning designation maps.

   (A) Floodplain and Environmental Protection.
   (B) Loose Talus.
   (C) Earth Flow and Slump.

(b) Zoning Designations:

   (A) Geologic Hazard (GH) is applied to the following symbols: Deep Bedrock Slide; Loose Talus; and Earth flow and Slump.

   (B) Environmental Protection (EP).

   (C) Floodplain (FP).

   (D) Airport Height Combining (AH).

(4) The above zoning districts are also shown on the County's Zoning maps, available for review in the County Planning Department office.

(5) When evaluating proposed uses, the following additional NSA Maps will also be utilized: Landscape Setting and Recreation Intensity Classification referenced in Sections 520, 530, 610 and 620.

(6) The Indian Trust Lands land use designation is shown on the NSA Land Use Designation Map, however, a zoning district was not created because Indian Lands are exempt from provisions of the National Scenic Area Act and County and State land use regulations.

(7) The Urban Area designation shown on the NSA Land Use Designation Map coincides with the Urban Area Boundary, shown on the map entitled Boundary Map, Columbia Gorge National Scenic Area on sheet number NSA-001.
(8) Unless otherwise specified in Article 75, the County's Zoning and Subdivision Ordinances apply to all lands in the NSA. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Article 75 shall prevail.

030. **Review and Approval Required**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area located in Hood River County except for the uses listed in this Ordinance, when considered under the applicable procedural and substantive guidelines of this Ordinance.

035. **Plan Amendment**

(1) Pursuant to provisions in Section 6(h) and the Management Plan, Chapter 1 Gorge Commission Role, the Gorge Commission may amend the Management Plan, including land use and zoning designations and ordinances, upon application by any person or upon its own motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the Plan.

(2) The Gorge Commission shall submit amendments of the Management Plan to the Secretary of Agriculture in accordance with Section 6(h) of the Scenic Area Act.

040. **Definitions**

Unless otherwise noted, the following words, terms and their derivations shall have the following meanings:

(1) **Accepted agricultural practice:** A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.

(2) **Accessible:** In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

(3) **Accessory building/structure:** A building or structure whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

(4) **Accessory renewable energy system:** A system accessory to a primary structure or
allowed use on the parcel that converts energy into a usable form such as electricity or heat and conveys that energy to the allowed structure or use. An Accessory Renewable Energy System is a solar thermal, photovoltaic, or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the primary use on the subject parcel.

(5) **Active wildlife site:** A wildlife site that has been used within the past 5 years by a sensitive wildlife species.

(6) **Addition:** An extension or increase in the area or height of an existing building.

(7) **Adversely affect or Adversely affecting:** A reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on:

(a) the context of a proposed action;

(b) the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;

(c) the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and

(d) proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

(8) **Agency official:** The federal, state, or local agency head or designee who has authority over a proposed project.

(9) **Agricultural specialist (SMA):** A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

(10) **Agricultural building:** A building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, and processing facilities.

(11) **Agricultural specialist (SMA):** A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.
(12) **Agricultural structure:** A structure (not including buildings) located on a farm or ranch and used in the operation. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

(13) **Agricultural use:** The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees, except where timber is the primary crop and Christmas trees are an incidental product harvested at an early stage of the timber rotation. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any agriculture-related government program.

(b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.

(c) Land planted in orchards or other perennials prior to maturity.

(d) Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

(14) **Air:** The mixture of gases comprising the Earth’s atmosphere.

(15) **Anadromous fish:** Species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

(16) **Anaerobic:** A condition in which molecular oxygen is absent (or effectively so) from the environment.

(17) **Aquaculture:** The cultivation, maintenance, and harvesting of aquatic species.

(18) **Aquatic area:** The water area of a stream, pond, or lake measured at the ordinary high water mark.

(19) **Archaeological resources:** See cultural resource.

(20) **Archival research:** Research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic, and judicial records.
(21) **Background:** One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

(22) **Bed and breakfast inn:** An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as traveler accommodations, not as rooming or boarding houses.

(23) **Best Management Practices (BMPs):** Conservation techniques and management measures that

(a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;

(b) minimize adverse effects to groundwater and surface water flow and circulation patterns; and

(c) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

(24) **Biodiversity (SMA):** A diversity of biological organisms at the genetic, species ecosystem, and landscape levels.

(25) **Board:** Board of County Commissioners, Hood River County.

(26) **Boat landing:** Cleared area or developed structure used to facilitate launching or retrieving watercraft.

(27) **Buffer zone:** An area adjacent to a wetland, stream, pond, or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream, or pond, the buffer zone includes all or a portion of the riparian area.

(28) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

(29) **Camping or recreational vehicle:** A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a sewer system (including septic tank), water, and electrical lines, or (2) occupied on the same parcel for more than 60 days in any consecutive 12-month period.
(30) **Campsite:** Single camping unit that usually consists of a cleared, level area for a tent, and may include a parking spur, fire ring, table, and other amenities.

(31) **Canopy closure (SMA):** For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

(32) **Capability:** The ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure, or other natural factors.

(33) **Cascadian architecture (SMA):** Architectural style using native rockwork, large timber, and steeply pitched roofs in a rustic manner.

(34) **Catastrophic situations (SMA):** Forces including, but not limited to fire, insect and disease infestations, and earth movements.

(35) **Childcare center:** A facility providing daycare to three or more children, but not including:

(a) The provision of care that is primarily educational, unless provided to a preschool child for more than 4 hours a day.

(b) The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion.

(c) The provision of short-term care related to or associated with group athletic or social activities.

(d) The provision of daycare in the provider's home in the family living quarters for less than 13 children.

(36) **Columbia River Gorge National Scenic Area Graphic Signing System:** Sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.

(37) **Columbia River treaty tribes:** See definition for Indian tribes.

(38) **Commercial event:** An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

(39) **Commercial development or use:** Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit and produce stands.
(40) **Commercial forest products**: These include timber for lumber, pulp and firewood for commercial purposes.

(41) **Commercial recreation**: Any private (non-governmental) recreational activity or facility on privately owned land, excluding nonprofit facilities. This does not include operation of a public recreation facility by a private vendor.

(42) **Commission**: The Columbia River Gorge Commission (GC).

(43) **Community facility**: Basic utilities and services necessary to support public service needs, including but not limited to water and power utilities, sanitation facilities, public microwave stations and communication facilities, schools, roads and highways. This does not include sanitary landfills.

(44) **Consulting parties (cultural resources)**: Organizations or individuals who submit substantive written comments to the Planning Director in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

(45) **Contiguous land**: Parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax lot numbers, lie in different counties, lie in different Sections or government lots, lie in different land use or zoning designations, or are separated by public or private roads. Contiguous land does not include parcels that meet only at a single point.

(46) **Counties**: In addition to Hood River County, the five counties within the National Scenic Area: Multnomah, and Wasco in Oregon, and Clark, Skamania, and Klickitat in Washington.

(47) **Created opening (SMA)**: A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

(48) **Creation (wetlands)**: A human activity that converts upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

(49) **Cultivation**: Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

(50) **Cultural resource**: The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance.
Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

(a) **Archaeological resources.** The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

(b) **Historic buildings and structures.** Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

(c) **Traditional cultural properties.** Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

(d) **Traditional Use Areas:** Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group’s culture.

(50) **Culturally significant foods:** Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

(51) **Culturally significant plants and wildlife:** Native plant and animal species essential to the culture of a Native American group.

(52) **Cumulative effects:** The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

(53) **Cut:** An area where soil or earth is excavated or removed in conjunction with development activities.
(54) **Dedicated site:** An area actively devoted to the current use and as delineated on the site plan.

(55) **Deer and elk winter range:** Areas normally used or capable of being used by deer and elk from December through April.

(56) **Destruction of wetlands:** Loss of the wetlands or any of its component parts, including the filling, draining, or other adverse effect to the sustainable functioning of the wetland.

(57) **Developed recreation:** Recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

(58) **Developed road prism (SMA):** The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

(59) **Development:** Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including but not limited to, mining, dredging, filling, grading, paving, and excavation.

(60) **Diameter at breast height (dbh):** The diameter of a tree as measured at breast height.

(61) **Distance zone:** distance zones (*see Background, Middleground, and Foreground*) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given to site placement, design features, and mitigations to ensure the development blends with the landscape.

(62) **Director:** The Planning Director of the Hood River County Planning and Community Development Department or his designate. The Director is responsible for the administration, interpretation and implementation of this Ordinance.

(63) **Duplex:** A building containing two dwelling units and designed for occupancy by two families.

(64) **Dwelling, single-family:** A detached building containing one dwelling unit and designed for occupancy by one family only.

(65) **Dwelling unit:** A single self-contained unit with basic facility needs for day-to-day living. Facility needs include, but are not limited to, one food preparation area or kitchen, bedrooms, and a full bathroom.
(66) **Earth materials**: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

(67) **Effect on treaty rights**: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakama tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the Federal courts.

(68) **Emergency/disaster**: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

(69) **Emergency/disaster response**: Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

(70) **Endemic**: Plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

(71) **Enhancement (natural and scenic resources)**: A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

(72) **Ephemeral streams (SMA)**: streams that contain flowing water only during, and for a short duration after, precipitation events.

(73) **Established Bed & Breakfast (B&B)**: A use established as a B&B by a permit approved under Article 56 (Bed & Breakfast Facilities), or Article 65 (Non-Conforming Use) of the Hood River County Zoning Ordinance, or otherwise lawfully established; and in operation for at least a year. B&Bs are allowed to be run by owners or lessees, only if residents, as per Article 56 (B&B) of the County Zoning Ordinance.

(74) **Established Farm**: A parcel or parcels operating as a farm with a demonstrated capability of meeting the test for a ‘principal farm operator dwelling’ as per Section 190 (1)(h). The farm must be owner-occupied.
(75) **Established Winery/Cidery:** A winery/cidery that has been approved under the provisions of this Article or otherwise lawfully established. The winery/cidery must be owner-operated.

(76) **Equitable recreation:** development and services that are equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age.

(77) **Ethnography:** The descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

(78) **Existing industrial complex:** Areas including some existing industrial use and where readily visible remnants of past industrial activities exist. The complex includes buildings, including those abandoned or partially abandoned, paved areas, stockpiles, equipment storage areas, quarry areas, etc., and may include isolated patches of vegetation or rock outcroppings surrounded by areas described above. The complex does not extend to include areas where evidence of past activity is no longer readily evident in the landscape.

(79) **Existing use or structure:** Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. Legally established means: (1) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure; (2) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and (3) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

(80) **Exploration, development (extraction and excavation), and production of mineral resources:** Includes all or any part of the process of surface, underground, or submerged mining of mineral resources, and transportation of mineral resources from the site. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Management Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource and transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses.
(81) **Fill:** The placement, deposition, or stockpiling of sand, sediment, or other earth materials to create new uplands or create an elevation above the existing surface.

(82) **Finished grade:** The final elevation of the ground level of a property after construction is completed.

(83) **Fire break:** A break in ground cover fuels, adjacent to and surrounding buildings.

(84) **Footprint:** The area that falls directly beneath and shares the same perimeter as a structure.

(85) **Forbs:** Broad-leaved herbs, in contrast to ferns, fern allies, and grasses and grasslike plants.

(86) **Foreground (SMA):** One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one-half mile.

(87) **Forest health (SMA):** A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

(88) **Forest practice (SMA):** Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management, or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

(89) **Forest practice (GMA):** Those activities related to the growing and harvesting of forest tree species, as defined by the Oregon Forest Practices Act.

(90) **Forest products:** Commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pinecones, and huckleberries.

(91) **Forest Service:** The United States Department of Agriculture Forest Service – National Scenic Area Office.

(92) **Forest stand structure (SMA):** The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.
(93) **Forest use:** The growing, propagation, and harvesting of forest tree species and other forest products except for areas used exclusively for production of Christmas trees.

(94) **Fruit and produce stand:** A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25 percent of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

(95) **Fully screened:** A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

(96) **Gorge Commission:** The Columbia River Gorge Commission

(97) **Grade (ground level):** The average elevation of the finished ground elevation as defined by the International Building Code.

(97) **Grading:** Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

(98) **Guideline:** According to Oregon Land Use Law, guidelines are not mandatory, but advisory. However, for the purposes of Article 75, the term Guideline is mandatory because of Public Law 99.663.

(99) **Hazard tree (SMA):** A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

(100) **Height of building:** The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

(101) **Herbaceous:** A plant with no persistent woody stem above the ground, with characteristics of an herb.
(102) **Herbs:** Non-woody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

(103) **Historic buildings and structures:** See cultural resource.

(104) **Historic survey:** Actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs.

(105) **Home Occupation:** A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

(106) **Horses, boarding of (GMA):** The stabling, feeding, and grooming or the use of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.

(107) **Hydric soil:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

(108) **Immediate Foreground for scenic corridors:** A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

(109) **In-kind replacement:** A development or land use which is the same as or smaller than an existing or destroyed use or structure. An in-kind building or structure may be shorter in height, smaller mass, and contained entirely within the existing footprint of the existing use or destroyed use or structure.

(110) **In-lieu or treaty fishing access sites:** Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100-581, Section 401. Additional in-lieu or treaty fishing access sites will be provided for.
Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs, and the Confederated Tribes of the Umatilla Indian Reservation.

Industrial uses: Any use of land or water primarily involved in:

(a) Assembly or manufacture of goods or products;

(b) Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;

(c) Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products, or recyclable materials for purposes other than retail sale and service; or

(d) Production of electric power for commercial purposes.

Interpretive displays: Signs and structures that provide for the convenience, education, and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.

Key components: The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

Key viewing areas: Those portions of identified important public roads, parks, or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation area. Identified areas include:

(a) Key viewing areas include the following:
   Historic Columbia River Highway (including the Historic Columbia River State Trail)
   Highway I-84, including rest stops
   Washington State Route 14
   Panorama Point Park
   Dog Mountain Trail
   Cook-Underwood Road
   Rowena Plateau and Nature Conservancy Viewpoint
   Columbia River
   Washington State Route 141
   Washington State Route 142
   Oregon Highway 35
   Pacific Crest Trail
Beacon Rock
Bonneville Dam Visitors Centers

(b) **SMA only:**
Old Highway 8 (previously known as Old Washington State Route 14 and County Road 1230)
Wyeth Bench Road (also known as Wyeth Road)
Larch Mountain Road

(116) **Land division:** The division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to partitions and subdivisions.

(117) **Landscape setting:** The combination of land use, and cultural features, landform pattern and features, vegetation and waterform that distinguish an area in appearance and character from other portions of the National Scenic Area.

(118) **Livestock feedlot:** Stockyards and commercial livestock finishing yards for cattle, sheep, swine, and furbearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

(119) **Lot line adjustment:** Transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

(120) **Maintenance:** Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

(121) **Management plan:** The document entitled Management Plan for the Columbia River Gorge National Scenic Area originally adopted October 14, 1991 and subsequently amended over time. The Management Plan becomes effective upon approval of land use ordinances by the Commission for the General Management Area and concurrence of land use ordinances by the Secretary of Agriculture for the Special Management Area.¹

¹ *This definition is not intended to imply that the original Management Plan, adopted in 1991, is the version currently in effect. The additional language identified in red is intended to highlight how the definition should read to be compliant with the current Management Plan, adopted in October 2020 and to remind Planning staff that this definition needs to be amended the next time*
(122) **Managerial Setting:** the on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

(123) **May:** Action is not mandatory, but discretionary.

(124) **Middleground:** one of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

(125) **Mitigation:** The use of any or all of the following actions, in the following order of priority:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Offsetting impacts by creating or enhancing affected resources.

(f) Monitoring the result of mitigation actions and taking appropriate corrective actions.

(126) **Mosaic (SMA):** The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

(127) **Multi-family dwelling:** A dwelling constructed or modified into two or more dwelling units.

(128) **National Scenic Area:** The Columbia River Gorge National Scenic Area. Article 75 applies only to those portions of the scenic area that are located in Hood River County.

(129) **Native species:** Species that naturally inhabit an area.

*Article 75 is revised.*
(130) Natural grade: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

(131) Natural resources: Naturally occurring features including land, water, air, plants, animals (including fish), plant and animal habitat, and scenery.

(132) Natural resource specialist: A person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

(133) Natural resource-based recreation (SMA): Recreation activities, uses, or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; golf courses, tennis courts, and rental cabins are not.

(134) Nonprofit organization: An organization whose nonprofit status has been approved by the U.S. Internal Revenue Service.

(135) Not visually evident (SMA): One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, texture and pattern common to the natural landscape setting so completely and at such scale, proportion intensity, direction, pattern, etc., that it not be noticeable.

(136) Old growth (SMA): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

(137) Open Spaces: Unimproved lands not designated as agricultural lands or forest lands by the Management Plan and designated as Open Space by the Management Plan. Open spaces enumerated in Public Law 99.663 are:

(a) Scenic cultural and historic areas;

(b) Fish and wildlife habitat;

(c) Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts;
(d) Ecologically and scientifically significant natural areas;

(e) Outstanding scenic views and sites;

(f) Water areas and wetlands;

(g) Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas, which are culturally or historically significant;

(h) Potential and existing recreation resources; and

(i) Federal and state wild, scenic and recreation waterways.

(138) **Operational (SMA):** For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

(139) **Ordinary high water mark:** The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

(140) **Other related major structure (SMA):** A structure related to a dwelling on a parcel in the SMA that is less than 40 acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of "accessory building" is not an "other related major structure" or a "major development action."

(141) **Overnight accommodations (GMA):** The rental of one or more rooms located in a legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

(142) **Overstory (SMA):** For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

(143) **Parcel:**

(a) Any unit of land legally created by a short division, partition, or subdivision that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.
(b) Any unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

(c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the Forest Service Office prior to the Final Interim Guidelines.

(d) A unit of land shall not be considered a separate parcel simply because the subject tract of land:

(A) Is a unit of land solely created to establish a separate tax account;

(B) Lies in different counties;

(C) Lies in different Sections or government lots;

(D) Lies in different land use or zoning designations; or

(E) Is dissected by a public or private road.

(144) Physical Settings: the physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

(145) Planning Commission: Hood River County Planning Commission.

(146) Planning Director: The Director of the Hood River County Planning and Community Development Department or his designate.

(147) Practicable: Able to be done, considering technology and cost.


(149) Previously disturbed: An area of land where the natural surface has been graded, excavated, paved and/or graveled.

(150) Priority Habitat: Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.
(151) **Primarily:** A clear majority as measured by volume, weight, or value.

(152) **Project area:** The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

(153) **Public dock:** A dock constructed, maintained and operated by a federal, state, local, or tribal government entity to provide public access to a water body.

(154) **Public Recreation Designation:** A land Use Designation for public parks, recreation sites and public and private lands suitable for moderate and/or high intensity recreation uses. Lands designated Public Recreation are readily accessible, lack hazards or highly sensitive resources and could potentially provide two or more of the following opportunities: river access, multiple recreation uses, scenic appreciation, facilities satisfying a demonstrated public need, trailheads and enhancement of scenic, natural and/or cultural resources. Within the SMA, public recreation shall be natural resource based.

(155) **Public use facility:** Recreation development(s) that meet the definition of "recreation facility" in the Management Plan and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

(156) **Rare plant species:** Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

1. Endemic to the Columbia River Gorge and vicinity,
2. Listed as endangered or threatened pursuant to federal or state endangered species acts, or
3. Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

(157) **Rare wildlife species:** Wildlife species that are:

1. Listed as endangered or threatened pursuant to federal or state endangered species acts,
2. Listed as sensitive by the Oregon Fish and Wildlife Commission, or
3. Considered to be of special interest to wildlife management authorities and the public
(great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

**(158) Recreation facility:** A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and that are not separated in distance by more than 1/4 mile of land that does not contain any such recreational developments or improvements, except for roads and/or pathways.

**(159) Reconnaissance survey:** Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

**(160) Recreation Opportunity Spectrum (ROS):** A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

(a) **Primitive:** Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.

(b) **Semi-primitive:** Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.

(c) **Roaded Natural:** Roaded areas with moderately frequent human encounters and with resource modifications evident.

(d) **Rural:** Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.

(e) **Suburban:** Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.

(f) **Urban:** Highly accessible, roaded areas dominated by human encounters and human-related structures.

**(161) Recreation resources:** Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

**(162) Regularly maintained:** An area of land that has been previously disturbed and where periodic actions have been taken to (1) keep the area clear of vegetation (e.g., shoulders, utility yards), (2) limit the height and type of vegetation (e.g., utility rights-
of-way), and/or (3) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

(163) **Recreation Setting:** the tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting.

(164) **Reflective surface:** providing a reflection; capable of reflecting light or other radiation.

(165) **Regularly maintained:** An area of land that has been previously disturbed and where periodic actions have been taken to (1) keep the area clear of vegetation (e.g., shoulders, utility yards), (2) limit the height and type of vegetation (e.g., utility rights-of-way), or (3) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

(166) **Rehabilitation (natural resources):** A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or pre-construction condition.

(167) **Repair:** Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure.

Repair includes, but is not limited to, reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a Section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

(168) **Resource-based recreation:** Those recreation uses that are essentially dependent upon the natural, scenic, or cultural resources of the National Scenic Area and that do not adversely affect those resources upon which they depend.

(169) **Restoration (wetlands):** A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

(170) **Review uses:** Proposed uses and developments that must be reviewed by the County Planning Department, the Gorge Commission, or the Forest Service to determine if they comply with the policies and guidelines in the Management Plan, and with provisions of Article 75.

(171) **Riparian area:** The area immediately adjacent to streams, ponds, lakes, and wetlands.
that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

(172) **Road:** The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways, or alleys.

(b) Road-related structures that are in the right-of-way, such as tunnels, culverts, or similar structures.

(c) Structures that provide for continuity of the right-of-way, such as bridges.

(173) **Scenery Management System:** The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

(174) **Scenic travel corridor:** Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Wyeth Bench Road located in the National Scenic Area and specifically designated to be managed as scenic and recreational travel routes.

(175) **Secretary:** The U.S. Secretary of Agriculture.

(176) **Service station:** A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

(177) **Serviceable:** Presently useable.

(178) **Shall:** Action is mandatory.

(179) **Should:** Action is encouraged.

(180) **Shrub:** A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

(181) **Sign:** Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other...
activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

(182) **Significant cultural resource (SMA):** A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. (The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation").

(183) **Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

(184) **Social Settings:** identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

(185) **Soil Capability Class:** A classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.

(186) **Special habitat area:** Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

(187) **Special streams:** Streams that are primary water supplies for fish hatcheries and rearing ponds.

(188) **Stand:** A group of trees possessing uniformity in regard to type, age, vigor, or size.

(189) **Story:** A single floor level of a structure, as defined by the International Building Code.

(190) **Streams:** Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include road side ditches, irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

For the Management Plan, streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. Perennial stream means a stream that flows year-round
during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

(191) **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, patios, driveways, and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios.

(192) **Submit:** To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

(193) **Subsurface testing:** Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests, and auger borings.

(194) **Suitability:** The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

(195) **Thinning (SMA):** A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

(196) **Topographic Visibility:** Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

(197) **Total canopy closure (SMA):** For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

(198) **Traditional foods:** Natural and cultural resources that Native Americans rely on for sustenance, based on history, culture and tradition.

(199) **Trail Characteristics:** Tools to describe the types of trail conditions that recreationists
should expect when visiting a recreation resource.

(200) **Treatment (SMA):** For forest practices, a site-specific operation that carries out the forest management objectives for an area.

(201) **Treaty rights or other rights:** Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

(202) **Tribal government:** The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs (Tribal Council), and the Confederated Tribes and Bands of the Yakama Nation (Tribal Council).

(203) **Tributary fish habitat:** Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

(204) **Unobtrusive:** When a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

(205) **Understory (SMA):** For forest practices, the shorter or immature trees below the tall or mature overstory trees.

(206) **Undertaking:** Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CRF 800.16(y)].

(207) **Unimproved lands:** Lands that generally do not have developments.

(208) **Upland:** Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

(209) **Uses allowed outright:** New uses and developments that may occur without being reviewed by the Hood River County Planning Department, the Gorge Commission, or the Forest Service to determine if they are consistent with the Management Plan.

(210) **Utility facility:** Any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.
Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

Viewshed: A landscape unit seen from a key viewing area.

Visually subordinate: One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan), and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

Water-dependent: Uses that absolutely require, and cannot exist without, access or proximity to, or sitting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

Water-related: Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

Weddings: Private wedding events, hosted by the permit holder for a fee.

Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

Wetlands functions: The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and non-game birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.
(219) **Winery or cidery**: An agricultural building used for processing fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or cider sales and tasting room; each of these uses must be explicitly reviewed and approved.

(220) **Wine or cider sales/tasting room**: A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sales and tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless reviewed and approved under the “Commercial Events” provisions in this Article. A wine or cider sales and tasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

(221) **Woody plant**: A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.
050. **Exempt Land Uses and Activities**

This Ordinance shall not apply to:

1. Any treaty or other rights of any Indian tribes. No new development or land uses or other actions implementing the National Scenic Area Act may interfere with the exercise of those rights.

2. Lands held in trust by the Secretary of the Interior for Indian tribes or for individual members of Indian tribes, and lands acquired by the U.S. Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes or of individual members of Indian tribes. This exemption shall extend to lands selected by the U.S. Army Corps of Engineers as in lieu or treaty fishing access sites pursuant to Public Law 79-14 and Public Law 100-581 before or after the effective date of the Management Plan. For those in lieu or treaty fishing access sites chosen after the effective date of the Management Plan, the exemption shall commence upon selection by the U.S. Army Corps of Engineers.

3. Rights to surface or ground water.

4. Water transportation activities on the Columbia River or its tributaries. The term "activities" includes those facilities necessary for navigation.

5. The operation, maintenance and modification of existing transmission facilities of the Bonneville Power Administration.

6. Laws, rules or regulations pertaining to hunting or fishing.

7. The operation, maintenance and improvement of navigation facilities at Bonneville Dam pursuant to federal law, except for the off-site disposal of excavation material.

8. In the General Management Area, the rights and responsibilities of non-federal timber landowners under the Oregon Forest Practices Act, or under county regulations that supersede that act.
060. **Prohibited Land Uses and Activities**

The following land uses and activities shall not be allowed within the Columbia River Gorge National Scenic Area within Hood River County:

(1) Solid waste disposal sites or sanitary landfills within the Special Management Area.

(2) New industrial development in the National Scenic Area outside of the Urban Areas.
070. Uses Allowed Outright

(1) All Land Use Designations Except Open Space

(a) The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space:

(A) In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

(B) In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.

(C) Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and development.

(D) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.

(E) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities.

(F) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (post and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

(G) Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission and Forest Service natural resource data or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

(H) The following transportation facilities:

(i) Replace existing safety or protective structures, including but not
limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are (1) the same location and size as the existing structures and (2) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the Section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” [Section 520(4)]

(ii) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are (1) the same location and size as the existing structures and (2) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the Section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” [Section 520(4)]

(iii) New raised pavement markers, guideposts, object markers, inlay markers, and pavement markings and striping.

(iv) Permanent public regulatory, guide, and warning signs, except those excluded below, provided (1) the signs comply with the *Manual on Uniform Traffic Control Devices (2012 or most recent version)* and (2) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(v) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are (1) located inside rights-of-way that have been disturbed in the past and (2) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the Section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” [Section 520(4)]
(vi) New traffic barriers and guardrail ends, provided the structures are (1) located inside rights-of-way that have been disturbed in the past and (2) constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the Section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” [Section 520(4)] This category does not include jersey barriers.

(vii) In the General Management Area, replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(viii) In the Special Management Area, replacement or expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(ix) Maintenance of existing railroad track and paved roads, provided the activity does not (1) increase the width of a road or railroad, or (2) disturb the toe of adjacent embankments, slopes or cut banks.

(x) Apply dust abatement products to non-paved road surfaces.

(xi) Grade and gravel existing road shoulders, provided the activity does not (1) increase the width of a road, or (2) disturb the toe of adjacent embankments, slopes or cut banks.

(xii) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

(I) The following underground utility facilities:

(i) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been
disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(ii) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided (1) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation, (2) no ditch for linear facilities would be more than 24 inches wide, (3) no excavation for non-linear facilities would exceed 10 cubic yards, and (4) no recorded archaeological site is located within 500 feet of the development.

To comply with (4), the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(J) The following aboveground and overhead utility facilities:

(i) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have (1) the same location and size as the existing facilities and (2) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the Section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” [Section 520(4)]

(ii) Replace existing utility poles, provided the replacement poles are (1) located within 5 feet of the original poles, (2) no more than 5 feet taller and 6 inches wider than the original poles, and (3) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(iii) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires,
transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

(K) Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridgeline or parapet of the principal building.

(L) The following signs:

(i) Election signs. Removal must be accomplished within 30 days of election day.

(ii) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(iii) Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual on Uniform Traffic Control Devices (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(iv) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Area.

(v) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(vi) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

(vii) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

(M) In the General Management Area, wind machines for frost control in conjunction with agricultural use.
(2) GMA and SMA Open Space

(a) The following uses may be allowed without review in GMA and SMA Open Space:

(A) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.

(B) The following transportation facilities:

(i) Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, provided the replacement structures are (1) the same location and size as the existing structures and (2) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in “Scenic Travel Corridors.” [Section 520(4)]

(ii) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are (1) the same location and size as the existing structures and (2) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in “Scenic Travel Corridors.” [Section 520(4)]

(iii) New raised pavement markers, guideposts, object markers, inlay markers, and pavement markings and striping.

(iv) Permanent public regulatory, guide, and warning signs, except those excluded below, provided (1) the signs comply with the *Manual on Uniform Traffic Control Devices (2012 or most recent version)* and (2) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(v) Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails,
provided the guardrails and guardrail ends are (1) located inside rights-of-way that have been disturbed in the past and (2) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in “Scenic Travel Corridors.” [Section 520(4)]

(vi) New traffic barriers and guardrail ends, provided the structures are (1) located inside rights-of-way that have been disturbed in the past and (2) constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in “Scenic Travel Corridors.” [Section 520(4)] This category does not include jersey barriers.

(vii) In the General Management Area, replacement or expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(viii) In the Special Management Area, replacement expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

(ix) Maintenance of existing railroad track and paved roads, provided the activity does not (1) increase the width of a road or railroad or (2) disturb the toe of adjacent embankments, slopes or cut banks.

(x) Apply dust abatement products to non-paved road surfaces.

(xi) Grade and gravel existing road shoulders, provided the activity does not (1) increase the width of a road or (2) disturb the toe of adjacent embankments, slopes or cut banks.

(xii) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).

(C) The following underground utility facilities:

(i) Replace or modify existing underground utility facilities located
inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(ii) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided (1) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation, (2) no ditch for linear facilities would be more than 24 inches wide, (3) no excavation for non-linear facilities would exceed 10 cubic yards, and (4) no recorded archaeological site is located within 500 feet of the development.

To comply with (4), the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(D) The following aboveground and overhead utility facilities:

(i) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have (1) the same location and size as the existing facilities and (2) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in “Scenic Travel Corridors.” [Section 520(4)]

(ii) Replace existing utility poles, provided the replacement poles are (1) located within 5 feet of the original poles, (2) no more than 5 feet taller and 6 inches wider than the original poles, and (3) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.
(iii) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

(E) The following signs:

(i) Election signs. Removal must be accomplished within 30 days of election day.

(ii) "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

(iii) Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual on Uniform Traffic Control Devices (2012 or most recent version). Removal must be accomplished within 30 days of project completion.

(iv) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square feet in the SMA.

(v) Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

(vi) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

(vii) In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).
075. Existing Uses and Discontinued Uses

(1) Right to Continue Existing Uses and Structures

(a) Except as otherwise provided, any existing use or structure may continue as long as it is used in the same manner and for the same purpose.

(2) Replacement of Existing Structures Not Damaged or Destroyed by Disaster

(a) Except as provided in Section 075(3), an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(A) The replacement structure shall have the same use as the original structure.

(B) The replacement structure may have a different size and/or location than the original structure. An existing manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a manufactured home.

(C) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

(D) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

(3) Replacement of Existing Structures Damaged or Destroyed by Disaster

(a) An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

(A) The replacement structure shall have the same use as the original structure. An existing manufactured home may be replaced with a framed residence.

(B) The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:
(i) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(ii) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(iii) The new building site complies with the cultural resources, natural resources, and treaty rights guidelines.

(C) The replacement structure shall be the same size and height as the original structure, provided:

(i) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.

(ii) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code. Height is generally defined as the greatest vertical distance between the lowest finished grade adjoining any exterior wall and the highest point of the roof.

(D) The replacement structure shall only be subject to the following scenic resources standards:

(i) The replacement structure shall comply with the guidelines regarding color and reflectivity of Section 520(2). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(ii) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.
(iii) In the General Management Area, the replacement structure shall comply with the GMA guidelines regarding landscaping (Section 520(2)). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable.

(iv) In the Special Management Area, the replacement structure shall comply with the SMA guidelines regarding landscaping (Section 530(2)). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

(I) Use of plant species appropriate for the area and minimum sizes of new trees needed to achieve the standard (based on average growth rates expected for the recommended species) are required. Examples of native specific are identified in the Scenic Resources Implementation Handbook as appropriate to the area.

(II) The height of any new trees shall not be required to exceed 5 feet.

(III) The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

(E) The replacement structure shall be subject to Section 075(2)(a)(A), (B), and (C) above if it would not comply with Section 075(3)(a)(B) and (C).

(F) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

(4) Changes to Existing Uses and Structures

(a) Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to Article 75.

(A) Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this Section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.
(B) **Existing Development or Production of Mineral Resources in the SMAs:**

Uses involving the exploration, development, or production of sand, gravel, or crushed rock in the SMAs may continue if both of the following conditions exist:

(i) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the SMA.

(ii) A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural, or recreation resources.

(5) **Discontinuance of Existing Uses and Structures**

(a) Except as provided in Section 075(3) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(A) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(B) Change in Use: An existing use or structure shall become discontinued if the use or uses of the structure changes.

(6) **Discontinued Uses and Structures:**

(a) Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.
080. Application for Review and Approval

(1) Prior to initiating any use or development that requires review and approval by the Director, an application shall be completed pursuant to this Section. The Director shall accept and review the application pursuant to Sections 100 through 145 for consistency with appropriate guidelines. Review of a proposed use or development shall commence upon the acceptance of a complete application by the Director. Incomplete applications shall not be reviewed. The Director will charge a fee for review of applications.

(2) Standard application forms shall be available at county planning office.

(3) Applications for the review and approval of a proposed use or development shall provide the following information:

(a) The applicant's name and contact information;

(b) The landowner's name and contact information (if different from applicant's);

(c) The township, range, and section in which the proposed development would be located;

(d) The street address of the proposed use or development;

(e) The tax lot number(s) and size in acres of the parcel(s) involved;

(f) A description of the current land use for the parcel(s) involved;

(g) A written description of the proposed use or development, including details on the height, shape, exterior color(s), construction materials of the proposed structures, exterior lighting, and landscaping details (type of plants used; number, size and location of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

(h) A list of Key Viewing Areas from which the proposed use would be visible.

(i) A map of the project area drawn to scale. The scale of the map shall be large enough to allow the Director to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. A map shall of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail should be acceptable in most instances. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. Site plans with alternative sites or building envelopes are not sufficient. The map shall include the following elements:
(A) North arrow.

(B) Map scale.

(C) Boundaries, dimensions, and size of the subject parcel.

(D) Significant terrain features or landforms.

(E) Groupings and species of trees or other vegetation on the parcel.

(F) Location and species of vegetation that would be removed or planted.

(G) Bodies of water and watercourses.

(H) Location and width of existing and proposed roads, driveways, and trails.

(I) Location and size of existing and proposed structures.

(J) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting.

(K) Location and depth of all proposed grading and ditching.

(L) Building setbacks from property lines, streets, and natural features, such as streams and wetlands.

(j) In the Special Management Area, applications and/or site plans shall contain the natural resources information required in Section 600(2).

(k) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.

(l) The signature of the applicant and property owner or a signed statement from the property owner indicating that he is aware of the application being made on his/her property.

(m) The signature of the property owner on a statement that authorizes the Director or his/her designee reasonable access to the site in order to evaluate the application.

(n) Elevation drawings, which shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

(o) Building floor plans (drawn to scale) that show interior building layout and
dimensions of the individual rooms or spaces, including labels describing their existing or intended use.

(4) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in this Ordinance or by the Director. Furthermore, all proposed uses within the GMA and SMA located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat and sensitive plant sites require additional site plan information.

(a) The following applications for structural development shall include a grading plan:

(A) Applications involving more than 100 cubic yards of grading with slopes greater than 10 percent shall include a grading plan; except applications for trails in the SMAs.

(B) Applications involving more than 200 cubic yards of grading on sites visible from key viewing areas. This plan shall be reviewed by the local government for compliance with key viewing area policies.

(C) Grading plans shall include the following:

(1) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:

   (a) Existing and proposed final grades.

   (b) Location of all areas to be graded, with cut banks and fill slopes delineated.

   (c) Estimated dimensions of graded areas.

(2) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

   (a) Its purpose.

   (b) An estimate of the total volume of material to be moved.

   (c) The height of all cut banks and fill slopes.

   (d) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist)
(e) A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(f) A description of any other interim or permanent erosion control measures to be used.

(b) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to Section 520(4)(d).

(c) Large-scale uses as defined by guidelines in Section 540(1)(c)(E) shall include reconnaissance and or historic survey reports, pursuant to Section 540(1)(c)(H), (I) and (J).

(d) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to Section 540(1)(c)(J)(iii).

(e) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fish-bearing tributaries, pursuant to Section 150(3)(a)(A).

(f) In the General Management Area, any review use in a water resource or water resource buffer zone, pursuant to Section 560.

(j) In the General Management Area, any review use within 1000 feet of a Priority Habitat or sensitive wildlife site, pursuant to Section 580(1)(b). Large-scale uses as defined by Section 580(4) shall also include field survey information, pursuant to Section 580(4)(e).

(k) In the General Management Area, any review use within 1,000 feet of a sensitive plant, pursuant to Section 590. Large-scale uses as defined by Section 590(4) shall also include field survey information, pursuant to Section 590(4)(e).

(l) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to Section 190(1)(h), and if applicable, Section 190(1)(i). Also, agricultural labor housing per Section 190(1)(o).
In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to Section 190(1)(p).

In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative, pursuant to Section 190(1)(k).

In the Special Management Area, on lands designated Agriculture, Forest or Public Recreation, a single-family dwelling necessary and accessory to agricultural use, pursuant to Section 190(2)(c).

In the Special Management Area, on lands designated Agriculture, Forest or Public Recreation, farm labor housing pursuant to Section 190(2)(d).

In the Special Management Area, on lands designated Forest, Agriculture or Public Recreation, a single-family dwelling, pursuant to Section 270(2)(j).

In the Special Management Area, on lands designated Forest, Agriculture, Residential or Public Recreation, forest practices, pursuant to Section 270(2)(y).

In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to Section 270(1)(a).

In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to Section 190(1)(h).

In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to Section 270(1)(q).

Other uses as deemed necessary by the Director. However, the County's Burden of Proof criteria does not apply to lands in the NSA.

Completed application forms shall be submitted directly to the Hood River County Planning and Community Development office.
090. **Pre-Application Conference**

An applicant may request a pre-application conference prior to submitting an application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Ordinance, to discuss the principle elements of the proposed action, and to identify guidelines that create opportunities or pose constraints for the proposed action.
100. Acceptance of Application

Within 30-days of the receipt of an application, the Director shall review the application for completeness and adequacy.

(1) If an application is determined to be incomplete, the Planning Department shall notify the applicant in writing, within 30-days of the date the application was received, to specify exactly what information is missing, and to allow the applicant up to 180-days from the date the application was initially received to submit a written response. The application shall be deemed complete for the purpose of initiating the land use action process when the Planning Department receives, in writing, one of the following:

   (i) All of the missing information;
   (ii) Some of the missing information and written notice from the applicant that no other information will be provided; or
   (iii) Written notice from the applicant that none of the missing information will be provided.

On the 181st day after first being received by the Planning Department, an incomplete application shall be void, if the applicant was notified of the missing information and failed to respond in writing as provided in Subsection (1) above with no opportunity for a refund of the application fee.

(2) The County shall take final action on all application within 150 days after the application is deemed complete.

(3) The statutory time limit for making a final local decision (120/150 days) may be extended, upon written request from the applicant, as long as the total of all such extensions does not exceed 215 days.

(4) Filing fee for applications shall be as specified in the most current adopted fee schedule (available at the County Planning Department).
110. Notice of Development Review

(1) The Director shall issue notice of a proposed development review after an application is deemed complete. The notice of application shall include the following information:

(a) The name of the applicant and property owner (if different);

(b) The general and specific location of the subject property;

(c) A brief description of the proposed action;

(d) An approximate deadline for rendering a decision; and

(e) The deadline for filing comments on the proposed action.

(2) The notice shall state that the application and supporting documents are available for inspection at the County Planning Department during normal working hours.

(3) The notice shall be mailed to:

(a) The Forest Service, the Gorge Commission, and tribal governments, ; and

(b) Owners of property within a radius of the subject parcel(s) as determined by Section 640; and

(c) Other agencies and interested parties that the Director determines should be notified.

(d) Parties who pay the County an annual subscription fee and specifically request to receive application notices within the National Scenic Area.

(4) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.

(5) A copy of the notice shall be filed in the records of the Planning Department.
120. **Comment Period**

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Director relative to the consistency of the proposed actions with the guidelines of this Ordinance.

(1) Based on comments received and other applicable information, the Planning Director shall determine if a wildlife management plan pursuant to Section 580(6), or a rare plant protection and rehabilitation plan pursuant to Section 590(6) is required.

(2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the comment period. Upon receipt of the completed survey, the Director shall forward the survey to the State Historic Preservation Officer and Indian Tribes pursuant to Section (2)(b).

(3) The State Historic Preservation Officers and the four Indian tribal governments shall have 30 days to submit comments on the cultural resources survey. Based on the survey results, comments received, and other applicable information, the Planning Director shall determine if an evaluation of significance pursuant to Section 540(3) is required.
130. Decision of the Director

(1) In making a decision on a proposed use or development the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(c) Consider all comments submitted pursuant to Section 120; and

(2) The Director shall approve a proposed use or development only if it is consistent with this Ordinance. In approving a proposed development action, the Director may impose conditions as necessary to ensure consistency with the guidelines of this Ordinance.

(3) The Director shall send a copy of the decision to the applicant, the Gorge Commission, the Forest Service, Tribes, parties who pay the County an annual subscription fee, and each person who submitted comments under Section 120. The decision shall set forth the rights of appeal under the Hood River County Zoning Ordinance.

(5) The Director's decision shall be final unless a Notice of Appeal is filed in accordance with Section 145.
135. Expiration of Approvals

(1) **Notice Not Required:** Expiration of any land use approval issued pursuant to this Management Plan shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.

(2) **Land Use Approvals without Structures:** Any land use approval issued pursuant to this Management Plan for a use or development that does not include a structure shall expire two years after the date the land use approval was granted, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, "established" means the final deed or plat has been recorded with the County Department of Records and Assessment.

(3) **Land Use Approvals with Structures:** Any land use approval issued pursuant to this Management Plan for a use or development that includes a structure shall expire as follows:

   (a) When construction has not commenced within two years of the date the land use approval was granted, or

   (b) When the structure has not been completed within two years of the date of commencement of construction.

(4) **Commencement of Construction:** As used in subsection 3(a) above, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

(5) **Completion of Structure:** As used in subsection 3(b) above, completion of the structure shall mean (1) completion of the exterior surface(s) of the structure and (2) compliance with all conditions of approval in the land use approval.

(6) **Extension of Validity of Land Use Approvals:** A request for extension of the time frames in subsections 2, 3(a) or 3(b), above, shall be submitted in writing before the applicable expiration date.

   (a) A reviewing agency may grant one 12-month extension to the validity of a land use approval if it determines that events beyond the control of the applicant prevented commencement of the use or development (applicable to section 2 above) or commencement of construction (applicable to subsection 3(a) above) within the original two-year time frame.

   (b) An agency may also grant one 12-month extension if it determines that events
beyond the control of the applicant prevented completion of the structure (applicable to subsection 3(b) above) within the original two-year time frame.

(c) A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(d) Approval or denial of a request for extension shall be considered an administrative decision.

(7) **Vested Rights**: The laws of the state of Oregon concerning vested rights shall not apply in the National Scenic Area. A person has a vested right for as long as the land use approval does not expire.
140. Changes or Alterations to an Approved Action

Any change or alteration to a development action approved by the Board of County Commissioners, Planning Commission or Director pursuant to this Ordinance shall be processed as new action, except that the Director may approve minor changes or alterations deemed to be consistent with this Ordinance and the findings and conclusions for the original action.
145. **Appeal Process**

(1) The Planning Director's decision is appealable by a qualifying party of record to the Hood River County Planning Commission within 15 days of the date of issuing a decision pursuant to applicable provisions within the following Sections of the Hood River County Zoning Ordinance: Article 60 - Administrative Procedures; Article 63 - Conduct of Public Hearings; and Article 72 - Planning Director's Review Procedures.

(2) The Hood River County Planning Commission's Decision is appealable by a qualifying party of record to the Hood River Board of County Commissioners within 15 days of the date of issuing a decision pursuant to provisions in Article 61 - Review by the Board of the Hood River County Zoning Ordinance.

(3) The Hood River County Board of Commissioners' decision is appealable by a qualifying party of record to the Columbia River Gorge Commission within 30 days of issuing a decision pursuant to provisions in Commission Rule, Chapter 350, Division 60.
150. General Guidelines

The following uses may be permitted when allowed by the land use designation, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Sections 520 through 620):

(1) Agricultural Buffer Zones

All new buildings shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands designated Large-Scale or Small-Scale Agriculture and which are currently used for agricultural use:

(a) Setback Guidelines

<table>
<thead>
<tr>
<th>Type of Agriculture</th>
<th>Open or Fenced</th>
<th>Natural or Created Vegetation Barrier</th>
<th>8-foot Berm or Terrain Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orchard</td>
<td>250’</td>
<td>100’</td>
<td>75’</td>
</tr>
<tr>
<td>Row crops/vegetables</td>
<td>300’</td>
<td>100’</td>
<td>75’</td>
</tr>
<tr>
<td>Livestock grazing</td>
<td>100’</td>
<td>15’</td>
<td>20’</td>
</tr>
<tr>
<td>Pasture, haying</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grains</td>
<td>200’</td>
<td>75’</td>
<td>50’</td>
</tr>
<tr>
<td>Berries, vineyards</td>
<td>150’</td>
<td>50’</td>
<td>30’</td>
</tr>
<tr>
<td>Other</td>
<td>100’</td>
<td>50’</td>
<td>30’</td>
</tr>
</tbody>
</table>

(b) New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

(c) Earth berms may be used to satisfy, in part, the setback guidelines. Berms shall be a minimum of 8 feet in height, and contoured at 3:1 slopes to look natural. Shrubs, trees or grasses shall be planted on the berm to control erosion and achieve a finished height of 15 feet.

(d) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be at least 6 feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous.

(e) The necessary berming or planting must be completed during the first phase of
development and maintained in good condition.

(f) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

(g) A variance to buffer setbacks may be granted upon a demonstration that the guidelines of Section 150(2) have been satisfied.

(2) Variances from Setbacks and Buffers within the General Management Area.

Variances from setbacks and buffers within the General Management Area may be allowed subject to the following approval criteria:

(a) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

(A) A setback or buffer to protect one resource would cause the proposed use to fall within a setback or buffer to protect another resource; and

(B) Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.

(b) A setback or buffer for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that:

(A) The land use designation otherwise authorizes a residence on the tract;

(B) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer;

(C) The variance from the specified setback or buffer is the minimum necessary to allow the residence; and

(D) The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback or buffer, except where the building is wholly within the setback or buffer, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback. However, this standard shall not apply to those road or property line setback requirements, which are not regulated by the Management Plan and, therefore, may be allowed subject to the requirements of Article 66 (Variances) of the County
Zoning Ordinance.\(^2\)

(c) The Director may grant a variance to the setback and buffer requirements in Section 610, upon a finding that the following conditions exist:

(A) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor.

(B) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.

(C) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.

(D) The variance is the minimum necessary to accommodate the use.

(d) The Director may grant a variance of up to 10 percent to the guidelines of General Management Area and Special Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(A) Demand and use levels for the proposed activity or activities particularly in the area where the site is proposed, are high and expected to remain so or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.

(B) The proposed use is dependent on resources present at the site.

(C) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(D) The proposed use is consistent with the goals, objectives and policies in Chapter 4, Part I of the Management Plan.

(E) Through site design and mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

\(^2\) The changes highlighted in red were added to ensure that the standard is applied in compliance with the current Management Plan. For more information, please see the Gorge Commission’s final order, dated March 9, 2022. The County has agreed to apply the standard in compliance with the Management Plan and amend the standard the next time Article 75 is revised.
(F) Through site design and mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

(3) Tribal Treaty Rights and Consultation. The following provisions apply to new uses in the GMA.

(a) Tribal Government Notice

(A) Local governments shall send a notice to the governments of the four Columbia River treaty tribes for all new review uses, requesting comments, recommendations, or concerns relating to the protection of treaty rights, including rights to access, hunt, fish, and gather.\(^3\)

(B) Proposed new review uses and development located in, providing recreation river access to, or on parcels that adjoin the Columbia River or its fish-bearing tributaries shall include the following supplemental information:

(i) The site plan map shall show adjacent river areas at least 1/2 mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.

(ii) A description of the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.

(iii) Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

(C) At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls or electronic communication to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.

(D) Tribal governments shall have 30 calendar days from the date a notice is mailed

\(^3\) This standard was accidentally omitted from Article 75 as part of the Gorge 2020 process. The County has agreed to apply the standard in compliance with the Management Plan and amend the standard the next time Article 75 is revised.
to request that the county consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the following confidentiality standards:

(i) The county shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant’s representative or the necessary county planning staff and decision makers the tribal government’s comments, recommendations, and concerns, and notes of the consultation and other information related to protection of treaty rights, unless the tribal government expressly authorizes disclosure.

(ii) The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant’s representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.

(E) Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.

(F) A tribal government’s choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe’s sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

(b) Tribal Government Consultation

(A) All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be resolved by the County or project applicant through revisions to the project application, conditions of approval, and, if necessary, in a treaty rights protection plan. The protection plan shall include measures to avoid effects or modifications to treaty and other rights of any Indian tribe.

(c) Conclusion of the Treaty Rights Protection Process

(A) The final decision shall integrate findings of fact that address the county’s effort to meet with or consult with the tribal governments and any revisions and
treaty rights protection plan resolving the tribal governments’ comments, recommendations, or concerns.

(B) The treaty rights protection process may conclude if the Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

(C) A finding by the Director that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses affect or modify treaty or other tribal rights.

(4) If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

(5) Expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources proposed on sites more than 4 miles from the nearest key viewing areas from which it is visible maybe allowed upon a demonstration that:

A. The site plan requirements for such proposals pursuant to this chapter have been met.

B. The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc., associated with the use would be visually subordinate as visible from any key viewing areas.

C. A reclamation plan to restore the site to a natural appearance that blends with and emulates distinctive characteristics of the designated landscape setting to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Subsections 9 and 10 in this section.

D. A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from key viewing areas, including:

1. A list of key viewing areas from which exposed mining surfaces (and associated facilities/activities) would be visible.

2. An estimate of the surface area of exposed mining surfaces that would be visible from those key viewing areas.

3. The distance from those key viewing areas and the linear distance along
those key viewing areas from which proposed mining surfaces are visible.

(4) The slope and aspect of mining surfaces relative to those portions of key viewing areas from which they are visible.

(5) The degree to which potentially visible mining surfaces are screened from key viewing areas by existing vegetation, including winter screening considerations.

(6) The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc., and appropriate time frames to achieve such results, including winter screening considerations.

(6) Unless addressed by subsection 5 of this section, exploration, development (extraction and excavation), and production of mineral resources may be allowed upon a demonstration that:

A. The site plan requirements for such proposals pursuant to this chapter have been met.

B. The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any key viewing area.

C. A reclamation plan to restore the area to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At minimum, the reclamation plan shall comply with Guidelines 10 and 11 of the “Overall Scenic Provisions” section of this chapter.

(7) An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than 4 miles from the nearest key viewing area from which it is visible shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

(8) An interim time period to achieve compliance with full screening requirements for new quarries located less than 4 miles from the nearest key viewing area from which it is visible shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(9) For all exploration, development (extraction and excavation), production of mineral
resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates distinctive characteristics inherent to its landscape setting to the maximum extent practicable. At a minimum, such reclamation plans shall include:

A. A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-mining existing grades and post-mining final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

B. Cross-sectional drawings of the site showing pre-mining and post-mining grades.

C. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

D. Description of drainage/erosion control features to be employed for the duration of the use.

E. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

F. If the site is visible from key viewing areas, the applicant shall also submit perspective drawings of the proposed mining areas as visible from applicable key viewing areas.

(10) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The reviewing agency may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency’s jurisdiction. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

A. Whether the proposed mining is subject to state reclamation permit requirements;

B. If subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and
C. For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.
A. Agricultural Buildings

(1) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(2) To satisfy Subsection (1) above, applicants shall submit the following information with their land use application:

   (a) A description of the size and characteristics of current agricultural use.

   (b) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

   (c) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

B. Temporary Use – Hardship Dwelling

(1) A permit for the temporary placement of a manufactured home, a tiny house on a trailer, or other similar structures may be granted under the following circumstances:

   (a) A family hardship exists where conditions relate to the necessary care for a family member where medical conditions relate to the infirm or aged.

   (b) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

   (c) The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural, and recreation resources.

   (d) The structure does not require a permanent foundation.

(2) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this Section and any other conditions of approval.

(3) Upon expiration of the permit or cessation of the hardship, whichever comes first, the hardship dwelling shall be removed within 30 days.

(4) A new permit may be renewed upon a demonstration that the family hardship continues
C. Sewer and Water Services

(1) Sewer lines may be extended from an Urban Area into a rural area to serve:

(a) Areas with a documented health hazard.

(b) Recreation uses open to the public, only upon a demonstration by the local government that there is no practicable alternative to providing service to the area. In such cases, the lines shall be engineered and sized solely to serve the defined area or use. Such lines shall not be relied upon as the sole justification for revision to an Urban Area boundary.

(2) New uses authorized in Article 75 may hook up to existing sewer and water lines in rural areas.

D. Docks and Boathouses

(1) New, private docks and boathouses serving only one family and one property may be allowed, up to 120 square feet in size.

(2) New, private docks and boathouses serving more than one family and property may be allowed, up to 200 square feet in size.

(3) Public docks open and available for public use may be allowed.

(4) Boathouses may be allowed under subsections (1) and (2) above only when accessory to a dwelling and associated with a navigable river or lake.

E. Home Occupations

(1) Home occupations may be established as authorized in specified land use designations consistent with the following conditions:

(a) May employ the residents of the home and up to three outside employees.

(b) No more than 25 percent of the total actual living space of the dwelling may be used for the home occupation.

(c) No more than 500 square feet of an accessory structure may be used for a home occupation.

(d) There shall be no outside, visible evidence of the home occupation, including outside storage.
(e) Exterior structural alterations to the residence for the home occupation shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation.

(f) No retail sales may occur on the premises.

(g) One non-animated, non-illuminated sign, not exceeding 2 square feet in area, may be permitted on the subject structure or within the yard containing the home occupation.

(h) Parking not associated with residential use shall be screened so it is not visible from key viewing areas.

(i) In the General Management Area, a bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines of Sections 152 (E) and (EG)4.

F. Overnight Accommodations

(1) Overnight accommodations may be established in a legal single-family dwelling, in the 5-acre and 10-acre Rural Residential land use designation, consistent with the following conditions:

(a) The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.

(b) Parking areas shall be screened so they are not visible from key viewing areas.

(c) The use is incidental and subordinate to the primary use of the property.

(d) The dwelling must be the permanent residence of the owner and occupied by the owner during rental. To demonstrate proof of residency, the owner shall provide a copy of their Federal and/or State income tax return from the most recent tax year (page 1 only with financial data redacted) and at least one of the following documents:
   (i) Current Oregon voter registration
   (ii) Current Oregon driver’s license
   (iii) Hood River County Community Identification Card

(e) Commercial events are not permitted at overnight accommodations.

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4 The red highlighted change reflects a typo that was identified by Gorge Commission staff in review of County Ordinance No. 373. The County has agreed to apply the standard in compliance with the Management Plan and amend the standard the next time Article 75 is revised.
(f) The overnight accommodation may employ up to three employees other than the residents of the dwelling.

(g) Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must apply to renew their permit and demonstrate past compliance with conditions of approval through financial and other records. Permits will not be renewed if there have been past violations, including failure to file a timely permit renewal.

(h) The application for the proposed overnight accommodation shall including the following information:

(i) Floor Plan – A floor plan showing the interior layout of the dwelling, including the number of bedrooms proposed for rent.

(ii) Property Management Plan – A property management plan demonstrating how the overnight accommodation will be managed and how impacts to neighboring properties will be minimized; specifically, nuisances, parking and garbage. The property management plan shall also include the name, address and telephone number of local points of contacts available to respond immediately to complaints and promptly remedy any violation of these standards.

(iii) Environmental Health – Issue Authorization Notice to use Existing Septic System per OAR 340-071-0205. Review of Drinking Water source per OAR 333-061 and Travelers’ Accommodation Licensing per ORS 446.320.

(iv) Assessor – Proof County Assessor has been notified.

(v) Proof of Insurance – Include certification of insurance coverage.

(vi) Certify Accuracy – Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.

(vii) Other – Other information as requested by the County.

(i) The proposed overnight accommodation shall comply with the following standards:

(i) Accessory Buildings – Overnight accommodations shall be operated within the primary dwelling of the subject property only. Outbuildings, including agricultural buildings, farm worker housing, accessory dwelling units, tiny homes, and other lawful dwellings on the property, shall not be used or converted for use as a overnight accommodation. Additionally, no recreational vehicle, travel trailer, tent, parked vehicle, or other temporary shelter shall be used and/or occupied in conjunction with the overnight accommodation.
(ii) Appearance and Identification – The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road.

(iii) Occupancy Limits – The maximum occupancy for each overnight accommodation unit shall be calculated on the basis of two (2) persons per bedroom, plus two additional overnight occupants.

(iv) Parking – The overnight accommodation shall have one onsite parking space per each bedroom unit with a minimum of two parking spaces required. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. The garage shall continually be available for guest parking as long as the overnight accommodation permit is valid. All required parking spaces shall be provided on the parcel where the overnight accommodation is operated.

(v) Access – Road access to the overnight accommodation shall meet minimum County and/or local fire district road standards and shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic.

(vi) Nuisances and Garbage – The overnight accommodation shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked on the property or along adjacent roadways. Said provisions shall be documented in the Property Management Plan.

(vii) Pets shall be secured at all times while on the property and nuisance barking by pets is prohibited.

(viii) Signage – No on or off-premise signage advertising the overnight accommodation is permitted.

(ix) License and Permit Requirements – The overnight accommodation permit and permit number issued by Hood River County shall be prominently and permanently displayed inside the unit near the front entrance of the rental and
shall list the name, address and phone numbers of the property owner and/or operator, and, if applicable, the designated local contact. The permit number shall also be displayed in all advertising.

(x) Federal, State & Local Laws – The overnight accommodation shall meet all applicable State and local health, safety laws and building codes.

(xi) Transient Room Tax – Proof of registration for County TRT certification shall be provided to County Planning prior to operating an overnight accommodation or within 90 days of issuance of a final overnight accommodation permit for those already in operation.

(xii) Building Safety – Proof of satisfactory completion of an inspection performed by the Hood River County Building Department shall be provided to County Planning prior to operating an overnight accommodation or within 90 days of issuance of a final overnight accommodation permit for those already in operation.

(xiii) Alteration or Expansion – No permitted overnight accommodation may be altered or expanded to accommodate additional guests, unless otherwise permitted through a separate application.

(xiv) The overnight accommodation permit is not transferable to a new owner or operator. If the property is transferred or sold, the new owner will need to re-apply for an overnight accommodation permit.

(xv) The overnight accommodation permit does not relieve the owner of the obligation to pay County Transient Room Taxes (TRT) and Personal Property tax. Non-compliance will result in revocation of the permit.

(xvi) The Planning Director or designee may visit and inspect the site of an overnight accommodation on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary.

(xvii) If the terms of an approved overnight accommodation permit are not met, the permit may be revoked and the owner subject to enforcement and Class I or Class II penalties per Article 1 or any amendments thereto.

(xviii) The County will monitor and enforce unpermitted overnight accommodations through periodic review and audits. An unpermitted overnight accommodation is subject to enforcement, and Class I or Class II penalties per Article 1, Chapter 1.08
(Code Enforcement) of this Ordinance, and Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

(j) All neighbor complaints received concerning an approved overnight accommodation shall follow the process outlined in Section 53.64 (Short-Term Rental Compliance) of this Ordinance.

(k) A permit for an approved overnight accommodation may be revoked subject to the requirements of Section 53.68 (Short-Term Rental Revocation) of this Ordinance.

G. Bed and Breakfast Inns

(1) Bed and breakfast inns may be established as authorized in specified land use designations, consistent with the following conditions:

(a) The use is consistent with the definition of Bed and Breakfast inn, Section 040(22).

(b) Guests may not occupy a facility for more than 14 consecutive days.

(c) One non-animated, non-illuminated sign, not exceeding 4 square feet in area, may be permitted on the structure or within the yard containing the structure.

(d) Parking areas shall be screened so they are not visible from key viewing areas.

(e) In the SMA, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

H. Small-Scale Fishing Support and Fish Processing Operations

(1) Small-scale fishing support and fish processing operations in conjunction with a family-based commercial fishing business may be allowed on parcels designated GMA Residential, GMA Small Woodland, or GMA Small-Scale Agriculture, subject to the following conditions:

(a) The operation shall comply with Section 150(4). In addition, if the operation will be located on land designated Small Woodland, then it shall also comply with Section 300, and Section 310.

(b) The following fishing support activities may be allowed: maintenance, repair, and storage of boats, nets, fish totes and other commercial fishing equipment that is used in the family-based commercial fishing business; and garaging of fish hauling trucks, trailers and all other related equipment that is used in the family-based commercial fishing business.
(c) The following fish processing activities may be allowed: cleaning, gutting, heading, and icing or freezing of fish that is caught by the family-based commercial fishing business. Other fish processing activities shall not be allowed, including, but not limited to, canning, smoking, salting or brining for wholesale or retail sale.

(c) The operation shall be located on a lawful parcel that is contiguous with and has direct access to the Columbia River.

(d) The subject parcel shall include a lawful dwelling, and the permanent resident of the dwelling shall participate in the fishing support and fish processing operation.

(f) The operation may only employ residents of the dwelling and up to three outside employees.

(g) No more than 25 percent of the total actual living space of the dwelling may be used for the fishing support and fish processing operation.

(h) The operation may take place in an existing or new lawful accessory building or an existing agricultural building on the subject parcel. A new building constructed for the purpose of housing a fishing support and fish processing operation shall be considered an accessory building. An existing agricultural building shall not be expanded and a new agricultural building shall not be constructed for the purpose of housing a fishing support and fish processing operation.

(i) An accessory building used in the fishing support and fish processing operation may be allowed up to 2,500 square feet.

(j) Docks may be allowed as follows:

   (A) One dock serving a parcel with an approved fishing support and fish processing operation may be allowed up to 500 square feet in size.

   (B) For multiple contiguous parcels each with approved fishing support and fish processing operation, the area of the docks authorized in Section 152(D) above may be combined into one dock, provided the total size of the dock shall not exceed 2,000 square feet.

(k) There shall be no outside visible evidence of the fishing support and fish processing operation, including storage, other than boats and docks.

(l) No retail sales may occur on the parcel.

(m) The operation shall only support and process fish caught by residents of the
dwelling and up to three outside employees.

(n) Before beginning the operation, applicants shall demonstrate that they have obtained and complied with federal, state and/or local water quality and wastewater permits.

I. Resource Enhancement Projects

(1) Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.

(2) In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following guidelines:

(a) Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as visible from key viewing areas as specified in Section 150(9)(F) and a reclamation plan that provides at a minimum the following:

(i) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(ii) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(iii) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(iv) Description of drainage/erosion control features to be employed for the duration of the use.

(v) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
(b) Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

(c) Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(d) Time Frames. The following time frames shall apply to quarry enhancement projects:

(A) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(B) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(C) An applicant may request one one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.

(D) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

(3) Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under “Wetlands Compensation Plans” (Section 560(10)).

(4) Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under “Water Resources Mitigation Plans” (Section 560(11)).

(5) In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan.
Enhancement efforts shall be conducted pursuant to a written plan, consistent with the guidelines described in “SMA Policies: Water Resources” (Section 600(2)).

J. Disposal Sites for Spoil Materials from Public Road Maintenance Activities

(1) Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources in the GMA, including, but not limited to:

(a) A reclamation plan that provides at a minimum the following information:

   (i) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

   (ii) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

   (iii) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

   (iv) Description of drainage/erosion control features to be employed for the duration of the use.

   (v) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(b) Perspective drawings of the site as visible from key viewing areas as specified in Section 150(9)(F).

(c) Cultural resource reconnaissance and historic surveys, as required by Section 540(1)(c)(B) and (C), respectively. Disposal sites shall be considered a “large-scale use” according to Section 540(1)(c)(E).

(d) Field surveys to identify sensitive wildlife areas or sites and rare plants as described in Section 580 (4) and Section 590 (4).
(2) **Siting Standard.** The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an Urban Area.

(3) **Scenic Resource Standards.** Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction and excavation), and production of mineral resources in the GMA, including, but not limited to:

(a) Sites more than 4 miles from the nearest key viewing area shall be visually subordinate as visible from any key viewing area, according to Section 150(5).

   (A) An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

(b) Sites less than 4 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to Section 150(5).

   (A) An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(c) Reclamation plans shall restore the site to a natural appearance that blends with and emulates natural landforms and vegetation patterns characteristic to the landscape setting to the maximum extent practicable.

**K. Commercial Events**

(1) Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be incidental and subordinate to the primary use on a parcel.

(2) Commercial events may be allowed in the GMA, except on lands designated Open Space or Commercial Forest, subject to compliance with the following conditions and the scenic, cultural, natural and recreation resources guidelines:

(a) The use must be in conjunction with an established winery/cidery containing an
approved wine or cider sales and tasting room or established bed and breakfast inn. If the use is proposed on a property with a building on or eligible for the National Register or Historic Places, it shall be subject to the guidelines in “Special Uses in Historic Buildings” (Section 162), and not the guidelines of this section.\(^5\)

(b) The owner of the subject parcel shall live on the parcel and shall operate and manage the use.

c) A single commercial event shall host no more than 100 guests.

d) The use shall comply with the following parking requirements:

(A) A single commercial event shall include no more than 50 vehicles for guests.

(B) All parking shall occur on the subject parcel.

(C) At least 200 square feet of parking space shall be required for each vehicle.

(D) Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.

(E) All parking areas shall be fully screened from key viewing areas.

e) The owner of the subject parcel may conduct no more than 18 single events up to one day in length per year.

(f) The owner of the subject parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

g) Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from

\(^5\) The change highlighted in red was made to ensure that the standard is applied in compliance with the Management Plan. For more information, please see the Gorge Commission’s final order, dated March 9, 2022. The County has agreed to apply the standard in compliance with the Management Plan and amend the standard the next time Article 75 is revised.
key viewing areas.

(h) The use may be allowed upon demonstration that the following conditions exist to protect any nearby agricultural and forest operations:

(A) The use would not force a change in or increase the cost of accepted agricultural practices on surrounding lands.

(B) The use would be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in Section 150(1)(a) or designated Commercial Forest Land or Large or Small Woodland, as required in Section 310.

(C) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.

(i) For wineries, the commercial event site shall be located on property that comprises part of the winery. If the approved commercial event site is located on a lot or parcel on which the winery is not located, approval for the use of the site shall be null and void if the parcel is sold as a separate and discrete parcel from the winery.

(j) Approval of a permit issued under this Article does not create an entitlement that would supersede or countermand the right to farm.

(k) The use may be affected by ORS Chapter 277 (“Fire Protection of Forests and Vegetation”), which allows the State Forester to permit closures which restrict access in case of fire hazard on forestland.

(l) Application for this permit is limited to the following, as defined in Section 040:

i. Established Bed & Breakfast
ii. Established Winery/Cidery

(m) Duration of event: No event shall take place outside the hours of 7:00 am to 10:00 pm.

(n) Lighting. Exterior lighting shall not project into an adjoining residential area. Use of stadium-style, or other glaring lighting is prohibited. Lighting accessible paths may be required, if necessary.
Noise. It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area.

Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this Section, shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constraint;
- The time of day or night the noise occurs;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The nature and zoning of the area within which the noise emanates and where it is received;
- Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this ordinance if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or

2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) db(A) during the hours of 7:00 am and 10:00 pm as measured at any of the complainant’s property lines within a residential district or near a residential area.

The above noise standards shall supersede the County’s Noise Ordinance, if there is a conflict between the provisions in the two.


(q) Operator shall ensure that only caterers licensed in the States Oregon or Washington are contracted to provide food; caterers shall be bonded.

(r) Operators shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol is served during an event.

(s) Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling’s on-site septic facilities is not allowed for an
event, except by resident or overnight guests of the facility.

(t) One temporary sign may be allowed in addition to the allowed Bed and Breakfast sign (if applicable). The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the special event and shall be removed within 24 hours after the event.

(u) The County and applicable Fire District shall review the plan to determine consistency with these requirements and to determine if sufficient, safe parking is identified. It is the applicant’s responsibility to communicate parking instructions consistent with the approved plan to all guests and contract or regular employees prior to the event.

(v) Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

(w) A yearly report shall be submitted to the reviewing agency by January 31st reporting on the events held the previous year. This report shall include the number of events held, how many people were in attendance, and copies of catering contracts or other vendors used to verify.

(x) Permits shall not be renewed if there have been past violations, including failure to file.

(3) Commercial Events Standards

In addition to the above requirements, the following standards shall apply to the proposed commercial event site:

(a) It shall employ on the site no more than five full-time or part-time persons.

(b) It shall be operated substantially in:

1. The dwelling; or

2. Other buildings or areas designated in the permit which are normally associated with uses permitted in the zone in which the property is located.

(c) It shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

(d) Nothing in this Section authorizes the governing body or its designate to permit construction of any structure that would not otherwise be allowed in the zone in which the commercial event is to be established.
(e) The existence of a commercial event shall not be justification for a plan and zone change.

(f) It shall be subject to site plan review, as per Subsection (4) below.

(g) The use shall be incidental, accessory and subordinate to the primary use as an established B&B or winery/cidery. The event site shall cease to operate if the primary use is discontinued.

(h) The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature; except for those characteristics normally associated with or allowed for a winery/cidery (if the primary use is a winery/cidery).

(i) There shall be no permanent visible evidence of conduct of a commercial event from any road or adjacent property.

(j) Only limited retail sales and sales accessory to services associated with the primary use or commercial event site are permitted.

(k) Approval is personal to the applicant and shall not run with the land.

(l) If sale of the property is contemplated, applicant will inform the County Planning Department. If selling, leasing or allowing another individual to use the property and home occupation occurs, approval of the permit shall become null and void. Further use by other than the applicant requires additional review and approval by the Hood River County Planning Department.

(m) Permanent signage related to commercial events may only be included in the principal sign allowed, unless required by the State for the protection of the public's health, safety and welfare.

(n) The use shall not generate additional traffic or parking beyond what is otherwise permitted.

(o) The owner shall keep a record of the name and license # of the caterers used for each event for one year, for review upon request by County Environmental Health.

(4) Site Plan Review

(a) Applicant shall provide a written narrative and site plan addressing the following issues:

1. Designated area and existing structures to be used for the events
2. Number of events anticipated per year/season
3. Frequency of events
4. Maximum number of guests intend to serve
5. Anticipated Noise
6. Infrastructure – How will you provide electricity and utilities to the event?
7. Parking & Circulation – Need to provide one (10’ x 20’) parking space per vehicle.
8. Traffic and Access
9. Lighting
10. Environmental Health Aspects
   i. How will food be provided? Where will it be served?
      ii. What is your domestic water source?
      iii. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.
11. Safety & Insurance
12. Are alcoholic beverages being served? If so, are OLCC requirements being met?

(5) Review of Use

Review of the use shall be subject to the provisions in Article 68 (“Revocation”), of the Hood River County Zoning Ordinance.

(6) Amendments

Other than “minor amendments” allowed under Section 140, amendments to an approved commercial event site shall be processed as a new administrative action, subject to the provisions of this Article.

(7) Enforcement

A. Notify law enforcement if there is a violation (pertaining to noise and parking).
B. The permit holder is responsible for any violations of their permit.

C. Unless an extension has been granted to the permit holder, a permit issued under this Article shall automatically become null and void one year after the date on which it was granted if the use has not commenced.

D. If the primary use (winery/cidery or B&B) has been discontinued for over one year, or the secondary use (related commercial event site) has been discontinued for over two years, the permit shall be considered null and void.

E. The Board of Commissioners with or without recommendation of the Planning Commission may void the permit providing the following conditions and procedures are followed:

   1. Upon review by the Planning Director a violation of the conditions of the permit of this ordinance is found. The Planning Director shall inform the applicant by registered or certified letter, and regular mail, of the violation.

   2. The Planning Director may refer the matter of the violation to mediation, if all parties to the matter, including the County, consent.

   3. If the violation is not corrected, by mediation or otherwise, or if a subsequent violation occurs after issuance of the Planning Director’s notice of violation, the Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation(s). The Board shall then set a hearing date on the violation.

   4. At least 10 days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition, all who are notified of the original application and those who testified shall be notified by regular mail.

   5. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.

F. In NSA Agricultural and Forest zones, the requirements below supersede Section 152 (K)(3)(c) above if the violation is specific to how the use affects farm or forest practices on surrounding resource lands.

   1. A person engaged in farm or forest practices on lands devoted to farm or forest use may file a complaint with the County Planning Director alleging:

      a. That a condition imposed has been violated;

      b. That the violation has:
A. Forcibly a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

B. Significantly increased the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

c. That the complainant is adversely affected by the violation.

2. Upon receipt of a complaint, the local governing body or its designee shall:

   a. Forward the complaint to the operator of the use;

   b. Review the complaint in the manner set forth in the Section in ORS 215 on Planning and Zoning Hearings & Review; and

   c. Determine whether the allegations made pursuant to subsection (1) of this Section are true.

3. Upon a determination that the allegations of the complaint are true, the local governing body or its designee at a minimum shall notify the violator that a violation has occurred, direct the violator to correct the conditions that led to the violation within a specified time period and warn the violator against the commission of further violations.

4. If the conditions that led to a violation are not corrected within the time period specified pursuant to subsection (3) of this Section, or if there is a determination pursuant to subsection (2) of this Section following the receipt of a second complaint that a further violation has occurred, the local governing body or its designee at a minimum shall assess a fine against the violator.

5. If the conditions that led to a violation are not corrected within 30 days after the imposition of a fine pursuant to subsection (4) of this Section, or if there is a determination pursuant to subsection (2) of this Section following the receipt of a third or subsequent complaint that a further violation has occurred, the local governing body or its designee shall at a minimum order the suspension of the use until the violator corrects the conditions that led to the violation.

6. If a home occupation for a commercial event site is initiated without prior approval, the local governing body or its designee at a minimum shall notify the user that prior approval is required, direct the user to apply for approval within 21 days and warn the user against the commission of further violations. If the user does not apply for approval within 21 days, the local governing body or its designee shall order the suspension of the use until the user applies for and receives approval. If there is a determination pursuant to subsection (2) of this
Section following the receipt of a complaint that a further violation occurred after approval was granted, the violation shall be deemed a second violation and the local governing body or its designee at a minimum shall assess a fine against the violator.

7. A person residing in a single-family residential dwelling which was approved under ORS 215.213 (3), 215.284 (1), (2), (3), (4) or (7) or 215.705, which is within an exception area approved under ORS 197.732 or which is within an acknowledged urban growth boundary may not file a complaint under subsection (1) of this Section.

8. Nothing in this Section shall prevent the County from establishing standards in addition to those set forth in ORS 215.296(1) or from imposing conditions to insure conformance with such additional standards.
I. Columbia River Bridge Replacement

(1) Visual Quality

(a) A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall be visually unobtrusive and harmonious with the surrounding Gorge landscape and the Columbia River. A replacement bridge is exempt from scenic review standards from Section 520, but shall comply with the following visual quality standards:

(A) Utilize recessive dark natural or earth-tone colors for steel components of the bridge, a thin and open structural design that allows views through it to the extent practicable, and consistent design character and ornamental elements;

(B) Employ lighting that provides a safe and pleasant atmosphere for bicycles and pedestrians while not casting glare directly into the sky or onto the river.

(2) Historic Design Elements

(a) A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall incorporate elements that reflect historic design features of National Scenic Area roadways and bridges. The historic themes should be an integral component of the design of the bridge structure, incorporated from “shore to shore.”

(b) A replacement bridge should include:

(A) Arches and other traditional structural forms in the bridge;

(B) Historic style benches, lighting, other pedestrian furnishings, and sign/graphic materials consistent with the USFS Graphic Signing System for the National Scenic Area;

(C) Ornamental concrete or steel railings.

(3) Recreation and Pedestrian/Bicycle Access

(a) A replacement Columbia River Bridge between the Hood River and Bingen/White Salmon Urban Areas shall encourage and promote pedestrian and bicycle use, for recreational enjoyment and to enhance multi-modal transportation connections between the urban areas it connects.

(b) The bridge shall include facilities for pedestrians and bicyclists that:

(A) Are permanent;
(B) Are wide enough to safely accommodate and encourage walking, bicycling, and other uses;

(C) Meet safety standards to prevent conflicts among automobiles, trucks, pedestrians, bicyclists, and other users;

(D) Provide multiple sitting and viewing areas with significant upstream and downstream views;

(E) Are safe to approach from both the north and south ends of the bridge and provide strong multi-modal connections, both east-west and to the nearby urban areas.
154. **Applying New Less-Stringent Regulations to Development Approved Under Prior National Scenic Area Regulations**

(1) A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations (e.g., *Columbia River Gorge National Scenic Area Final Interim Guidelines*, original Management Plan), subject to the following standards:

(a) The applicant shall apply for the same development that was reviewed in the original decision.

(b) The development shall remain in its current location.

(c) The agency that currently has jurisdiction over the applicant’s property shall review the application and send notice of the application to agencies and other parties entitled to receive notice under the current rules.

(d) The agency shall review the entire development to ensure that it would fully comply with all the current guidelines (i.e., land use, treaty rights, scenic resources, cultural resources, recreation resources and natural resources).

(e) The agency shall issue a new decision that supersedes the original decision.

(f) The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with all the current guidelines.
156. Expedited Development Review Process

A. Expedited Review Uses

(1) The following developments may be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines contained in this Section.

(a) Except on lands zoned Open Space, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(b) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

(c) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

(d) Wire-strand fences other than those allowed outright, provided the fence complies with Section 580(7) if it is inside deer and elk winter range as delineated in the Gorge Commission and Forest Service natural resource data or determined by an appropriate federal or state agency.

(e) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

(f) Decks that are: (1) uncovered; (2) attached and accessory to existing dwellings; and (3) 500 square feet or less in area and 30 inches or less in height above existing grade.

(g) Road closure gates.

(h) Signs, other than those allowed outright.

(i) Outdoor lights.

(j) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square
feet in size and less than or equal to 12 feet in height.

(k) Lot line adjustments in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to Section 165, except all lot line adjustments for parcels designated Open Space or Public Recreation shall be reviewed through the full development review process.

(l) Lot line adjustments in the Special Management Area, subject to Section 165.

(m) Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

(n) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

(o) Trail reconstruction involving up to 1,000 feet of trail re-route.

(p) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

   (A) New traffic barriers and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.

   (B) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

   (C) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

   (D) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(q) The following underground utility facilities:

   (A) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided (1) no ditch for linear facilities would be more than 36 inches wide and (2) no excavation for non-linear facilities would exceed 20 cubic yards.

(r) The following aboveground and overhead utility facilities:
(A) Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(B) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(C) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(s) Replace an existing mobile home in a mobile home space within a mobile home park, provided: (1) the mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of existing use or structure and Section 075(1) through (4); (2) the replacement mobile home shall be in the same location as the mobile home to be replaced; (3) the height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and (4) the mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(t) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.

(u) In the Special Management Areas, wind machines for frost control in conjunction with agricultural use.

(v) Additions to existing buildings or structures that generate solar power for approved uses, provided that the panels and hardware are non-reflective black or dark earth tone colors and do not increase the overall roof height. This category does not include free-standing solar arrays, which are subject to full review as new structures under the guidelines in "Renewable Energy Production” (Section 163).

B. Resource and Treaty Rights Protections Guidelines

(1) Proposed development reviewed using the expedited review process shall comply with the following resource protection guidelines:
(a) Scenic

(A) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(B) Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building.

(C) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(D) Any exterior lighting shall be sited, limited in intensity, hooded, and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(E) Signs shall comply with Section 160.

(F) Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

(b) Cultural

(A) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to Section 540(1)(c)(B)(ii) or historic survey, pursuant to Section 540(1)(c)(C).

(B) The GMA guidelines that protect cultural resources and human remains discovered during construction [Section 540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.

(c) Recreation
(A) The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

(d) Natural

(A) Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

(i) The development is outside water resources and their buffer zones. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(B) Sensitive Wildlife and Rare Plants

(i) The development meets one of the following:

(I) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range) and known rare plants; or

(II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

(III) For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range), but an appropriate federal or state wildlife agency determines (1) the Priority Habitats or sensitive wildlife site is not active or (2) the proposed development would not compromise the integrity of the Priority Habitats or wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.

For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.
(ii) Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or rare plants [Section 580(4); Section 590(4)].

(2) Proposed development reviewed using the expedited review process shall comply with the following treaty rights guidelines:

(a) Proposed development shall not affect or modify any treaty or other rights of any Indian tribe.

(b) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

(c) Except as provided in 2(b) above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Section 150(3) (Tribal Treaty Rights and Consultation) shall not apply to proposed developments reviewed under the expedited review process.

C. Procedures for Expedited Review Process

(1) Applications

(a) The County Planning Department may charge a fee for review of applications. The Planning Director shall set the fee, which shall not exceed the average cost to the County of reviewing applications.

(b) Standard application forms are available at the Planning Office or on the County website.

(c) Applications for uses eligible for expedited review shall include the information required for review uses listed in Section 080. They shall also include elevation drawings if the proposed development would be visible from a key viewing area. The drawing shall show natural grade and finished grade.

(2) Acceptance of Application

(a) Within 30-days of the receipt of an application, the Planning Director shall review the application for completeness.

(b) If an application is determined to be incomplete, the applicant shall be notified and given an opportunity to submit a written response as outlined in Section 100(1).
(3) **Notice of Development Review**

(a) Upon an application being deemed complete, the Planning Director shall issue notice of a proposed development review. The notice shall provide the following information:

(A) The name of the applicant and property owner (if different);
(B) The general and specific location of the subject property;
(C) A brief description of the proposed action;
(D) The deadline for rendering a decision; and
(E) The deadline for filing comments on the proposed action.

(b) The notice shall state that the application and supporting documents are available for inspection at the Planning Department during normal working hours.

(c) The notice shall be mailed to the Forest Service, the four Columbia River treaty tribes, Gorge Commission, agencies or other that the Planning Director determines should be notified, and parties who pay the County an annual subscription fee for such notices.

(e) A copy of the notice shall be filed in the records of the Planning Department.

(4) **Comment Period:** Any interested person or party shall submit written comments within 10 days from the date a notice is sent. However, comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

(5) **Written Decision**

(a) In making a decision on a proposed use or development the Planning Director shall:

(A) Consult with the applicant and such agencies as the Planning Director deems appropriate;

(B) Consider information submitted by the applicant and all other relevant information available;
(C) Consider all comments submitted pursuant to Section 156(C)(4).

(b) The Planning Director shall prepare written decisions for all development reviewed under the expedited review process. The decisions shall include findings of fact, conclusions of law, and, if necessary, conditions of approval.

(c) The Planning Director shall attempt to issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of Article 75 within 90 days after acceptance of the application.

(d) The decision of the Planning Director shall be final unless a Notice of Appeal is filed in accordance with Section 156(C)(6). An applicant who chooses to proceed with an approved development during the appeal period shall assume all associated risks and liabilities.

(6) Notice of Decision and Opportunity to Appeal

(a) The Planning Director shall send a copy of a decision issued under the expedited review process to the four tribal governments, the Forest Service, Gorge Commission, and landowners within 200 feet of the perimeter of the subject parcel.

(b) Any person shall be allowed to appeal a decision issued under the expedited review process within 10 days of the decision.

(7) Expiration of Approvals. Approvals issued under the expedited review process shall expire in accordance with the standards for expiration of approvals for review uses (Section 135).

(8) Changes or Alterations to an Approved Action. Changes or alterations to an approval issued under the expedited review process shall be made in accordance with the standards for changes or alterations to approved actions for review uses (Section 140).
158. Emergency /Disaster Response Actions

(1) General Guidelines

(a) Actions taken in response to an emergency/disaster event, as defined in Section 040, are allowed in all GMA/SMA land use designations, subject to the notification requirements in "Notification Requirements" (Subsection 2, below).

(b) Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

(c) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the Planning Director or the Forest Service for federal agency actions.

(d) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

(e) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determined to not be possible without further jeopardizing life or property.

(2) Notification Requirements

(a) Actions taken in response to an emergency/disaster event, as defined, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

(A) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties,
another responder elects to assume this responsibility.

(B) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(C) Notification shall be furnished to the Planning Director or the Forest Service for federal agency actions. If the Forest Service is the action agency, it shall provide notice to the Gorge Commission.

(D) At a minimum, the following information shall be required at the time of notification:

(i) Nature of emergency/disaster event.

(ii) Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

(iii) Location of emergency/disaster response activities.

(iv) Estimated start and duration of emergency/disaster response activities.

(v) Contact person and phone number for the parties conducting emergency/disaster response actions.

(E) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

(b) Upon notification of an emergency/disaster response action, the Planning Director, or Forest Service shall, as soon as possible:

(A) Review its natural resource data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(B) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;

(C) Notify the Forest Service, the Oregon Historic Preservation Office, and the tribal governments of all emergency/disaster response activities. The Forest
Service will review their cultural resource data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(c) Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(3) Post-Emergency/Disaster Response Development Review Application Requirements

(a) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or Forest Service for federal agency actions. In the case of an event with multiple responding parties, the party providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration.

(b) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any spoil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

(c) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

(d) Applications shall include the following information:

(A) Applicant’s name and address.

(B) Location of emergency/disaster response.

(C) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation
(D) A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing greater detail. The map shall include:

(i) North arrow and scale.

(ii) Boundaries, dimensions and size of subject parcel(s).

(iii) Bodies of water, watercourses, and significant landforms.

(iv) Existing roads and structures.

(v) New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(E) An exception to the scale requirements in subsection (D) above may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1 inch = 200 feet or a scale providing greater detail shall be provided that shows a Section of the response area exemplifying the specific actions taken.

(e) Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:

(A) Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, the four Columbia River treaty tribes, and interested parties.

(B) A written decision with findings of fact and conclusions of law.

(C) An opportunity to request a hearing.

(4) Post-Emergency/Disaster Response Development Review

Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined, shall be reviewed for compliance with the following guidelines.

(a) Scenic Resources

(A) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as visible
from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual subordinance requirements in Section 520(3)(h). In the SMAs, such actions shall meet the scenic standards to the greatest extent practicable.

(B) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(C) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.

(D) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

(E) Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as visible from key viewing areas to the greatest extent practicable.

(F) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(i) The spoil materials shall either be:

   (I) Removed from the National Scenic Area

   (II) Deposited at a site within the National Scenic Area permitted by the Planning Director, or

   (III) (Re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.
(ii) The Planning Director shall decide whether an applicant removes the spoil materials, deposits the spoil materials, or (re)contours the spoils materials per Subsection (i) above. The applicant does not make this decision.

(iii) The Planning Director shall select the action in Subsection (i) above that, to the greatest extent practicable, best complies with the policies and guidelines in the Management Plan that protect scenic, cultural, recreation, and natural resources.

(iv) Disposal sites created according to Subsection (i)(II) above shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(G) In the Special Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(i) The spoil materials shall either be:

(I) Removed from the National Scenic Area, or

(II) Deposited at a site within the National Scenic Area permitted by the Planning Director within two years of the emergency.

(ii) After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

(iii) All grading (i.e. recontouring) shall be completed within 30 days after the spoils materials are removed.

(iv) Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(v) All revegetation shall take place within one (1) year of the date an applicant completes the grading.

(vi) This provision shall take effect August 3, 2006.

(b) Cultural Resources and Treaty Rights
(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources.

(B) Emergency/disaster response actions shall not affect or modify tribal treaty rights.

(C) The Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.

   (i) Reconnaissance surveys shall be conducted by the Forest Service and comply with the standards in Section 540(1)(c)(F). Reconnaissance survey reports shall comply with the standards in Section 540(1)(c)(G).

   (ii) Historic surveys shall be conducted by the Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.

(D) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the Planning Director when a reconnaissance survey is required or cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them.

(E) When written comments are submitted in compliance with Subsection (D) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards in Section 540(2)(a) and 150(3)(b)(A).

(F) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional
conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the standards in Section 540(1)(c)(H) and Section 540(3)(a).

(G) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report guidelines in Section 540(5).

(H) The Planning Director shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the Planning Director. The Planning Director shall record and address all written comments in the final decision.

(I) The Planning Director shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the Planning Director shall justify how the opposing conclusion was reached.

(J) The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been affected and one of the following conditions exists:

(i) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

(ii) The emergency/disaster response action avoided cultural resources that exist in the project area.

(iii) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

(iv) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:
(I) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the “National Register Criteria for Evaluation” (36 CFR 60.4), or

(II) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in The Secretary of the Interior’s Standards for Rehabilitation [U.S. Department of the Interior 1990] and The Secretary of the Interior’s Standards for Historic Preservation Projects [U.S. Department of the Interior 1983].

(c) Natural Resources

(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(B) Buffer zones for water resources, Priority Habitats or sensitive wildlife sites, and sites containing rare plants, shall be the same as those established in Section 560 through 600.

(C) Water Resources

(i) Emergency/disaster response actions occurring within a buffer zone shall be reviewed by the Oregon Department of Fish and Wildlife. These areas are also referred to in this Section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones.

(ii) When emergency/disaster response activities occur within water resources or their buffer zones, the applicant shall demonstrate the following:

(I) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.
(II) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

(iii) Impacts to water resources and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

(iv) If the Planning Director, in consultation with the state wildlife agency, determines that the emergency/disaster response actions had minor effects on the water resource or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist, or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the final order and the aquatic area protection process may conclude.

(v) Unless addressed through subsection (iv) above, mitigation and restoration efforts shall be delineated in a Water Resources Mitigation Plan. Water Resources Mitigation Plan shall satisfy the standards in Section 560(11). Water Resources Mitigation Plan shall also satisfy the following:

(I) Plans shall include a plan view and cross-Sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

(II) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.

(III) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

(D) Wildlife Habitat

(i) Emergency/disaster response actions occurring within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be reviewed by the Oregon Department of Fish and Wildlife. State wildlife biologists
will help determine if emergency/disaster response actions have affected or have a potential to affect a Priority Habitat or sensitive wildlife site.

(ii) Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as prescribed in Section 580(5)(c) and (d).

(iii) The wildlife protection process may terminate if the Planning Director, in consultation with the state wildlife agency, determines: (1) the Priority Habitat or sensitive wildlife site was not active, or (2) the emergency/disaster response did not compromise the integrity of the Priority Habitat or sensitive wildlife site or occurred at a time when wildlife species are not sensitive to disturbance.

(iv) If the Planning Director, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had minor effects on the Priority Habitat or sensitive wildlife site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the final decision and the wildlife protection process may conclude.

(v) If the Planning Director, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effect on a Priority Habitat or sensitive wildlife or site, the project applicant shall prepare a Wildlife Mitigation Plan. Wildlife Mitigation Plans shall comply with standards in Section 580(6). Upon completion of the Wildlife Management Plan, the Planning Director shall:

(I) Submit a copy of the Wildlife Mitigation Plan to the state wildlife agency for review. The state wildlife agency will have 15 days from the date that a plan is mailed to submit written comments to the Planning Director;

(II) Record any written comments submitted by the state wildlife agency in its development review order. Based on these comments, the Planning Director shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision
contradicts the comments submitted by the state wildlife agency, the Planning Director shall justify how the opposing conclusion was reached.

(III) Require the project applicant to revise the Wildlife Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife site.

(E) Deer and Elk Winter Range

(i) Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with the standards in Section 580(7).

(F) Rare Plants

(i) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Oregon Biological Information Center. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

(ii) Site plans for emergency/disaster response sites shall be submitted to the Oregon Biological Information Center by the Planning Director. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant’s site plan.

(iii) The rare plant protection process may conclude if the Planning Director, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plan buffer zone.

(iv) If the Planning Director, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state natural heritage staff, or a Forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the final decision order and the rare plant protection process may conclude.

(v) If emergency/disaster response activities occurred within a rare plant
buffer zone that had adverse effects on rare plants or their buffer zone, the project applicant shall prepare a Rare Plant Mitigation Plan that meets the standards in Section 590(6).

(vi) The Planning Director shall submit a copy of all Rare Plant Mitigation Plan to the state heritage program for review. The state natural heritage program will have 15 days from the date the Rare Plant Mitigation Plan is mailed to submit written comments to the Planning Director.

The Planning Director shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, the Planning Director shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the Planning Director shall justify how the opposing conclusion was reached.

(vii) The Planning Director shall require the project applicant to revise the Rare Plant Mitigation Plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

(d) Recreational Resources

(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(B) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

(5) Post-Emergency Construction

(a) The following review use is allowed in all land use designations in accordance with Sections 050 through 70, Sections 080 through 140, Sections 150 through 165 (as applicable), and Sections 520 through 620:

(A) Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use applications shall be submitted within 12 months following an emergency/disaster event.
160. Signs

(1) Signs may be allowed in all land use designations in the General Management Area pursuant to the following provisions:

(a) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual on Uniform Traffic Control Devices (2012, or most recent version), the following signs are prohibited:

(A) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.

(B) New billboards.

(C) Signs with moving elements.

(D) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(b) In addition to subsection (1)(a) above and (1)(f) below, signs for recreational uses shall meet the following guidelines according to Recreation Intensity Class (and subject to compliance with the "Approval Criteria for Recreation Uses" and "Facility Design Guidelines For All Recreation Projects", in Sections 610(5) and (7)):

(A) Recreation Intensity Class 1 (Very Low Intensity) - Simple interpretive signs or displays, not to exceed a total of 50 square feet. Entry name signs, not to exceed 10 square feet per sign.

(B) Recreation Intensity Class 2 (Low Intensity) - Simple interpretive signs and displays, not to exceed a total of 100 square feet. Entry name signs, not to exceed 20 square feet per sign.

(C) Recreation Intensity Class 3 (Moderate Intensity) - Interpretive signs, displays or facilities. Visitor information and environmental education signs, displays, or facilities. Entry name signs, not to exceed 32 square feet per sign.

(D) Recreation Intensity Class 4 (High Intensity) - Entry name signs, not to exceed 40 square feet per sign.

(c) For recreation facility design projects, signs shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
(d) Any sign which does not conform with a provision of Section 160 and has existed prior to adoption of the Management Plan, shall be considered non-conforming and subject to the following:

(A) Alteration of existing non-conforming signs shall comply with Section 160.

(B) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

(e) Signs allowed outright as listed in Section 070(1)(a)(L).

(f) All signs shall meet the following guidelines unless they conflict with the *Manual Uniform Traffic Control Devices (2012, or most recent version)* for public safety, traffic control or highway construction signs. In such cases, the standards in the *Manual on Uniform Traffic Control Devices (2012, or most recent version)* shall supersede these guidelines.

(A) The support structure shall be unobtrusive and have low visual impact.

(B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(C) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(D) Spot lighting of signs may be allowed where needed for night visibility. Back-lighting is not permitted for signs.

(g) Business identification or facility entry signs located on the premises may be allowed, subject to Subsection (f) above.

(h) Other signs not addressed or expressly prohibited by this rule may be permitted without review.

(2) Signs in the Special Management Area shall be allowed pursuant to the following provisions:

(a) Prohibited Signs

(A) Advertising billboards.

(B) Signs that move or give the appearance of moving, except signs used for highway
construction, warning or safety.

(C) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(b) New signs shall be allowed as specified in the applicable land use designation.

(c) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal, or device.

(d) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.

(e) All new signs, except for signs allowed without review by Section 070, shall meet the following guidelines, and be consistent with the Manual on Uniform Traffic Control Devices (2012, or most recent version):

(A) Signs shall be maintained in a neat, clean and attractive condition.

(B) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

(C) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(D) Signs shall be unobtrusive and have low contrast with the setting.

(E) The visual impact of the support structure shall be minimized.

(F) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(G) Backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.

(H) Internal illumination or back-lighting of signs shall not be permitted except for highway construction, warning or safety.

(f) Public signs shall meet the following guidelines in addition to subsections (b) through (e) above:

(A) The Graphic Signing System provides design guidelines for public signs in and adjacent to public road rights-of-way. All new and replacement public signs,
except those transportation regulatory, guide, and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road surface.

(B) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(C) Signs located outside public road rights-of-way are encouraged to be designed in a way that is consistent with similar-purpose signs described in the Graphic Signing System. Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the intended message.

(g) Signs for public recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to subsections 160(2)(a) through (d) and 160(2)(g):

(A) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(B) Any signs relating to, or advertising, a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review.

(C) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(D) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(E) Recreation developments may have one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Signing System.

(h) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.
162. Special Uses in Historic Buildings

(1) Special uses in historic buildings may be allowed as follows and subject to “Additional Resource Protection Guidelines for Special Uses in Historic Buildings.”

(a) Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the “Additional Resource Protection Guidelines for Special Uses in Historic Buildings”: Cultural Resources Guidelines (Subsection (2)(a)(B)(i) and (ii), and Subsection (2)(a)(C) through (E)); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines (Subsection (2)(b) through (d)). Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(b) Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places, and which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the “Additional Resource Protection Guidelines for Special Uses in Historic Buildings”: Cultural Resources Guidelines (Subsection (2)(a)(B)(i) and (ii), and Subsection (2)(a)(C) through (E)); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines (Subsection (2)(b) through (d)). The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(c) Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to hold commercial events, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the “Additional Resource Protection Guidelines for Special Uses in Historic Buildings”: Cultural Resources Guidelines Subsection (2)(a)(B) through (E); and all Scenic, Recreation, Agriculture and Forest Lands Guidelines (Subsection (2)(b) through (d)).

(d) The following additional review uses may be allowed in all GMA land use designations except Open Space and Agriculture-Special on a property with a building either on or eligible for the National Register for Historic Places and that
was 50 years old or older as of January 1, 2006, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and “Additional Resource Protection Guidelines for Special Uses in Historic Buildings”:

(A) Establishments selling food and beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and beverages shall be considered a part of the approved use.

(B) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.

(C) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property.

(D) Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject parcel and the local region, within a historic building, as the building existed as of January 1, 2006.

(E) Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.

(F) Conference or retreat facilities within a historic building, as the building existed as of January 1, 2006.

(G) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(H) Gift shops within a historic building, as the building existed as of January 1, 2006 that are:

1. Incidental and subordinate to another approved use included in Subsection (1)(d); and
2. No larger than 100 square feet in area.

(I) Interpretive displays, picnic areas or other recreational day use activities on the subject property.

(J) Parking areas on the subject property to support any of the above uses.
(e) For the purposes of the guidelines in this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to Cultural Resources Guideline Section (2)(a)(A) of “Additional Resource Protection Guidelines for Special Uses in Historic Buildings” below.

(f) Uses listed in Subsection (1)(c) and (1)(d)(C) above are not subject to the “Commercial Events” provisions in 152(K). Commercial events at historic properties will be regulated by the guidelines contained in this section. Applications for commercial events shall include all information in the “Operational Plan for Commercial Events” as specified in Subsection (2)(B)(iv) below of “Additional Resource Protection Guidelines for Special Uses in Historic Buildings”. The following apply to commercial events at historic properties:

(A) Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be incidental and subordinate to the primary use on a parcel.

(B) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(g) Uses listed in Subsection (1)(a) and (1)(d)(I) above are not subject to the parking limits and associated “Facility Design Guidelines” in the Recreation Intensity Classes.

(h) Land use approvals for special uses in historic buildings shall be subject to review by the local government every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to the local government on the progress made in implementing the “Protection and Enhancement Plan” required in Cultural Resources (Subsection (2)(a)) of “Additional Resource Protection Guidelines for Special Uses in Historic Buildings”. The local government shall submit a copy of the applicant’s documentation to the State Historic Preservation Officer (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local government. If the local government’s determination contradicts comments from the SHPO, the local government shall justify how it reached an opposing conclusion. The local government shall revoke the land use approval if the owner has failed to implement the actions described in the “Protection and Enhancement Plan” according to the schedule for completing such actions in this plan. The local government may, however, allow such a use to continue for up to one additional year from the date a local government determines the applicant has failed to implement the actions if the applicant
submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.


The following guidelines apply to proposed uses listed under “Special Uses for Historic Buildings” in addition to all other relevant guidelines for protection of scenic, cultural, natural and recreation resources:

(a) Cultural Resources:

(A) All applications for uses listed in Subsection (1)(d) above shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in “Historic Surveys and Reports” (Section 540(1)(c)( J). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin “How to Apply the National Register Criteria for Evaluation” [National Service, National Register Bulletin #15].

Eligibility determinations shall be made by the local government, based on input from the State Historic Preservation Officer (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the local government’s determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion.

(B) Applications for Special Uses for Historic Buildings shall include a “Protection and Enhancement Plan” which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties and the Secretary of the Interior’s Standards for Preservation of Historic Properties.
(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the “Protection and Enhancement Plan”. The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

(I) Number of events to be held annually.
(II) Maximum size of events, including number of guests and vehicles at proposed parking area.
(III) Provision for temporary structures, including location and type of structures anticipated.
(IV) How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(C) The local government shall submit a copy of the “Protection and Enhancement Plan” to the State Historic Preservation Officer (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties and the Secretary of the Interior’s Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(D) Any alterations to the building or surrounding area associated with the proposed use have been determined by the local government to be consistent with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties and the Secretary of the Interior’s Standards for Preservation of Historic Properties. If the local government’s final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

(E) The proposed use has been determined by the local government to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the local government’s final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.
(b) Scenic Resources:

(A) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.

(B) New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordinance. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building’s setting.

(C) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

(c) Recreation Resources

(A) The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(d) Agricultural and Forest Lands

(A) The proposed use is compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(B) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(C) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.

(D) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that
are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.

163. **Renewable Energy Production**

1. Production of electrical power, including, but not limited to wind and solar production, for commercial purposes is considered an industrial use and is prohibited.

2. Solar and wind power generation that is accessory to a primary structure or allowed use is not considered an industrial use and may be permitted provided that the capacity for power generation is limited to the expected annual electrical power need of the structure or use. The generating equipment may serve only the parcel on which it is located, or an adjacent parcel in the same ownership and used in conjunction with the subject parcel. Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of the year.

3. Equipment attached to an existing structure is an addition to the structure on which it is located.

4. Free-standing equipment is a new accessory structure.
165. Land Divisions and Lot Line Adjustments

(A) Consolidation of Lots

(1) A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to ORS Chapter 92.

(2) No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.

(3) Subsection 1 above shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.

(4) To carry out this Section, counties shall develop their own procedures for consolidating units of land pursuant to this provision, including amending plats, vacating plats, replatting, or other similar legal action.

(B) Land Divisions

(1) New land divisions in the SMA are not allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

(2) Creation of a parcel, regardless of size, or any division of land shall be subject to the guidelines in Article 75.

(3) At the time of creation of one or more new parcels, consolidation of access shall be considered in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

(4) Land divisions shall be limited in deer and elk winter range as follows:

(a) On lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that include deer and elk winter range, new parcels shall be 40 acres or larger west of the Hood River and 80 acres or larger east of the Hood River.

(C) Lot Line Adjustments

(1) The following guidelines shall apply to lot line adjustments in the GMA.

(a) Lot line adjustments for parcels in all land use designations except Open
Space or Public Recreation shall comply with the following standards:

(A) The lot line adjustment shall not result in the creation of any new parcel(s).

(B) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels.

(C) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(D) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

   (i) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided (1) the parcel to be enlarged would not become eligible for a subsequent land division and (2) the amount of land transferred would be the minimum necessary to resolve the issue.

   (ii) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(E) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture, Commercial Forest Land, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).

(F) The lot line adjustment shall not allow previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements
for buffer zones and landscaping.

(G) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

(b) Lot line adjustments for parcels designated Open Space shall comply with the following standards:

(A) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

(B) The lot line adjustment shall comply with subsections (1)(a)(A), (B), (E), (F), and (G), above.

(c) Lot line adjustments for parcels designated Public Recreation shall comply with the following standards:

(A) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation.)

(B) The lot line adjustment shall comply with Subsections (1)(a)(A), (B), (E), (F), and (G), above.

(2) The following guidelines shall apply to lot line adjustments in the SMA.

(a) The proposed lot line adjustment shall not result in the creation of any new parcel(s).

(b) A lot line adjustment shall not result in a parcel greater than or equal to 40 acres with a dwelling becoming less than 40 acres.

(c) A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

(d) A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

(A) Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided (1) the parcel to be enlarged would not become 40 acres or greater and (2) the
amount of land transferred would be the minimum necessary to resolve the issue.

(B) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

(e) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

(f) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.
170. **Agricultural Zones (AG-1) (AG-2) (AG)**

Sections 170 through 225 apply to lands within the GMA zoned Large-Scale (AG-1) and Small-Scale Agriculture (AG-2) and lands within the SMA zoned Agriculture (AG). The above zoning districts implement the following land use designations: Large-Scale Agriculture; Small-Scale Agriculture and Agriculture.

180. **Uses Allowed Outright and Expedited Review Uses – Agricultural Land**

(A) The uses listed in "Uses Allowed Outright, All Land Use Designations Except, Open Space" (Section 070) are allowed without review on lands designated Large-Scale Agriculture, Small-Scale Agriculture.

(B) The uses listed in "Expedited Development Review Process" (Section 156) are allowed with review through the expedited development review process on lands designated Large-Scale Agriculture, Small-Scale Agriculture.

190. **Review Uses**

   (1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture subject to compliance with the scenic, cultural, natural, and recreation resource guidelines (Sections 520 through 620):

   (a) New cultivation, subject to compliance with Sections 540 through 590, and upon demonstration that the landowner has sufficient water to support the use. Any operation that would cultivate land that has not been cultivated, or has lain idle for more than five (5) years is considered new cultivation, except cultivation and vegetation removal in conjunction with a home garden.

   (b) Agricultural structures, in conjunction with agricultural use, including new cultivation.

   (c) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 152(A)).

   (d) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (1)(e) and (f) below.

   (e) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:
(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all detached accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(f) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all detached accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(C) The height of any individual accessory building shall not exceed 24 feet.

(g) The temporary use of a manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in Section 152(B).

(h) On lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, upon a demonstration that all of the following conditions exist:

(A) The subject farm or ranch (including all of its constituent parcels, contiguous or otherwise) has no other dwellings that are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling.

(B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy subsection (h)(C)(iv) below; and

(C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
(i) The subject tract produced at least $80,000 in gross annual income from the sale of farm products in the last two years, or three of the last five years. (The cost of purchased livestock shall be deducted when determining the gross annual income);

(ii) The above stated gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated in 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year.

(iii) The dwelling will be occupied by a person who produced the commodities, which grossed the income in subsection 190(1)(h)(C)(i) above.

(i) On lands designated Large-Scale Agriculture, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling that is included in, or is eligible for inclusion in, the National Register of Historic Places, in accordance with the criteria listed in Section 540(1)(c)(A).

(j) On lands designated Small-Scale Agriculture, a single-family dwelling on any legally created and existing parcel.

(k) On lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative provided that all of the following conditions exist:

(A) The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister;

(B) The dwelling would be located on the same parcel as the dwelling of the principal operator; and

(C) The operation is a commercial enterprise as determined by Section 190(1)(h)(C).

(l) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152(l)). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(m) Structures associated with hunting and fishing operations.

(n) Towers and fire stations for forest fire protection.
(o) Agricultural labor housing upon a showing that:

(A) The proposed housing is necessary and accessory to a current agricultural use;

(B) The housing shall be seasonal unless it is shown that an additional full-time
dwelling is necessary to the current agricultural use of the subject farm or ranch
unit. Seasonal use shall not exceed 9 months; and

(C) The housing shall be located to minimize the conversion of lands capable of
production of farm crops or livestock, and shall not force a significant change in or
significantly increase the cost of accepted agricultural practices employed on
nearby lands devoted to agricultural use.

(p) On lands designated Large-Scale Agriculture, on a parcel which was legally created
and existed prior to November 17, 1986, a single-family dwelling not in conjunction
with agricultural use upon a demonstration that all of the following conditions exist:

(A) The dwelling will not force a change in or increase the cost of accepted
agricultural practices or forest practices on surrounding lands;

(B) The subject parcel is predominantly unsuitable for the production of farm crops
and livestock, considering soils, terrain, location and size of the parcel. Size alone
shall not be used to determine whether a parcel is unsuitable for agricultural use.
An analysis of suitability shall include the capability of the subject parcel to be
utilized in conjunction with other agricultural operations in the area;

(C) The dwelling shall be set back from any abutting parcel designated Large-Scale or
Small-Scale Agriculture, as required in Section 150(1), or any abutting parcel
designated Commercial Forest Land or Large or Small Woodland, as required in
Section 310;

(D) A declaration has been signed by the landowner and recorded into county deeds
and records specifying that the owners, successors, heirs and assigns of the subject
property are aware that adjacent and nearby operators are entitled to carry on
accepted agriculture or forest practices on lands designated Large-Scale or Small-
Scale Agriculture, Commercial Forest Land, or Large or Small Woodland; and

(E) All owners of land in areas designated Large-Scale or Small-Scale Agriculture,
Commercial Forest Land, or Large or Small Woodland within 500 feet of the
perimeter of the subject parcel on which the dwelling is proposed to be located
have been notified and given at least 10 days to comment prior to a decision.

(q) Life estates, pursuant to Section 210.

(r) Land divisions when all resulting parcels satisfy the minimum lot sizes as designated
on the land use designation and zoning maps and listed in Section 225 below and subject to Section 165(B) and Article 18, County Subdivision Ordinance.

(s) Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Section 165(C)).

(t) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(u) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Section 152 (D)).

(v) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(w) Commercial events, subject to the guidelines in "Commercial Events" (Section 152 (K)).

(x) Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Section 162).

(2) The following uses may be allowed on lands designated SMA-Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Sections 520 through 620).

The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:

(a) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of Section 270(2)(x).

(b) Forest uses and practices as allowed in Section 270(2)(y).

(c) A single-family dwelling necessary for and accessory to agricultural use upon a demonstration that all of the following conditions exist:

   (A) The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels.

   (B) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy subsection (C)(iv), below.
(C) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following criteria:

(i) Size of the entire farm or ranch, including all land in the same ownership.

(ii) Type(s) of agricultural uses (crops, livestock, orchard, etc.) and acreage.

(iii) Operational requirements for the particular agricultural use that are common to other agricultural operations in the area.

(iv) Average income. The farm or ranch, and all its contiguous parcels, must produce at least $80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

\[(A)(B)(C) = I\]

where:
A = Average yield of the commodity per acre or unit of production
B = Average price of the commodity
C = Total acres suitable for production, or total units of production that can be sustained on the subject farm or ranch
I = Average Income

(D) Minimum parcel size of 40 contiguous acres.

(d) Farm labor housing on a parcel with an existing dwelling, under the following conditions:

(A) The proposed housing is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by Section 190(2)(c)(C) above.

(B) The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.

(C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
(D) Minimum parcel size of 40 contiguous acres.

(e) Agricultural structures, except buildings, in conjunction with agricultural use.

(f) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 152(A)).

(g) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in subsection 2(h) or 2(i), below.

(h) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(i) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(C) The height of any individual accessory building shall not exceed 24 feet.

(j) Home occupations, pursuant to Section 152(E). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(k) Bed and breakfast inns, subject to Section 152(G). The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.
(l) Fruit and produce stands

(m) Aquaculture.

(n) Exploration, development, and production of sand, gravel, and crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Area.

(o) Utility facilities necessary for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Agriculture lands.

(B) The size is the minimum necessary to provide the service.

(p) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.

(q) Community facilities and non-profit facilities related to agricultural resource management.

(r) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152 (I)). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(s) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.

(t) Public Recreation, commercial recreation, interpretive and educational developments and uses consistent with Section 620.

(u) Road and railroad construction and reconstruction.

(v) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

(w) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured dwelling, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling” (Section 152 (B)).
(x) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(y) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (152(D)).

(z) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(aa) Disposal sites managed and operated by the Oregon Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in Section 152(J).

200. Review Uses with Additional Approval Criteria -- Large-Scale or Small-Scale Agriculture Designations.

(1) The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Sections 520 through 620) and Section 220.

(a) Construction, reconstruction, or modification of roads, utility facilities and railroads necessary for public service upon a showing that:

   (A) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and

   (B) The size is the minimum necessary to provide the service.

(b) Home occupations in existing residential or accessory structures, subject to Section 152(E).

(c) Fruit and produce stands.

(d) Wineries and cideries, in conjunction with on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm and the local region.

(e) Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.

(f) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the
subject operation.

(g) Exploration, development and production of mineral and geothermal resources subject to Section 520.

(h) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.

(i) Aquaculture.

(j) Recreation development, subject to the Recreation Intensity Class provision from Section 610

(k) Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

(l) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(m) Bed and breakfast inns in single-family dwellings, subject to Section 152(G) and provided that the residence:

   (A) Is included in the National Register of Historic Places; or

   (B) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.

(n) Non-profit, environmental learning or research facilities.

(o) Expansion of existing schools or places of worship.

(p) On parcels designated Small-Scale Agriculture, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Section 152 (H)).

(q) Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the
National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 152 (J)).

210. Approval Criteria for Life Estates -- Large-Scale or Small-Scale Agriculture Designations

A landowner who sells or otherwise transfers real property on lands designated Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Section 040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Sections 520 through 620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guidelines in Section 190(1)(h).

(2) Upon termination of the life estate, the original or second dwelling shall be removed.

220. Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture

Uses identified in Section 200(1) may be allowed only if they meet both of the following criteria:

(1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and

(2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

225. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed on private, State and County ownerships must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA:

(A) Large-Scale Agriculture (AG-1) 40 acre.
(B) Small-Scale Agriculture (AG-2) 20 acre.

(b) SMA: Agriculture (AG) 40 acres for new residences. However, new land divisions are not allowed in the SMA, unless the creation of a new parcel will facilitate land acquisition by the Federal government to achieve the policies and guidelines of the Management Plan. (Compliance with Section 165(B))

(3) In the General Management Area, compliance with the Agricultural Buffer requirement listed under Section 150(1) (a) through (g).

(4) Height maximum: 35 feet for primary buildings, unless superseded by GMA Landscape Setting requirements (See Section 520(3)) or SMA KVA guidelines 530(2)(i). See Section 190(1)(e) and (f) and 190(2)(h) and (i) for accessory building height limits.

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot: 10 feet. Exterior lot or corner lot: 50 feet from the centerline of any street.

(d) Accessory farm buildings may be located within 10 feet of the rear property lines.

(e) Setbacks from streams: Compliance with provisions in Sections 560 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(f) Off-street parking for residential uses shall be provided.

(g) Lot width and depth: None required.

(h) Vision clearance: Vision clearance shall be 35 feet.

(i) Mobile homes shall comply with applicable provisions in Article 16, Section 16.20, subparagraphs A. and B.
250. **Forest Zones (F-1) (F-2) (F-3) (F)**  
Sections 250 through 325 apply to lands within the GMA planned and zoned Commercial Forest Land (F-1), Large Woodland (F-2) and Small Woodland (F-3) and lands within the SMA zoned Forest (F). The above zoning districts implement the following land use designations: Commercial Forest Land, Large Woodland, Small Woodland and SMA Forest.

260. **Uses Allowed Outright and Expedited Review Uses -- Forest Land**  

(A) The uses listed in Section 070 are allowed without review on lands designated Commercial Forest Land, Large Woodland, Small Woodland, or SMA Forest.

(B) The uses listed in "Expedited Development Review Process" (Section 156) are allowed with review through the expedited development review process on lands designated Commercial Forest Land, Large Woodland, Small Woodland, or SMA Forest.

270. **Review Uses**

(1) The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Sections 520 through 620):

(a) On lands designated Small Woodland, one single-family dwelling on a legally created and existing parcel upon the parcel's enrollment in Oregon's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Sections 300 and 310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.

(b) One single-family dwelling on lands designated Small Woodland if shown to be in conjunction with and substantially contributing to the current agricultural use of a farm pursuant to Section 190(1)(h). The siting of the dwelling shall comply with Section 310.

(c) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on-site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when the particular forest practice for which it was approved has concluded.

(d) Temporary portable facilities for the primary processing of forest products grown on a
parcel or contiguous parcels in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

(e) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (152(H)). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(f) Structures associated with hunting and fishing operations

(g) Towers and fire stations for forest fire protection.

(h) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the "Approval Criteria for Fire Protection" (Section 300) and the standards in "Agricultural Buildings" [Section 152(A)].

(i) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (1)(l) or (1)(m) below.

(j) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" (Section 310) and "Approval Criteria for Fire Protection" (Section 300) and the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(k) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" (Section 310) and "Approval Criteria for Fire Protection" (Section 300) and the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without
review, existing buildings and proposed buildings.

(B) The footprint of any individual accessory building shall not exceed 1,500
square feet.

(C) The height of any individual accessory building shall not exceed 24 feet.

(l) On lands designated Commercial Forest or Large Woodland with a dwelling that
was legally established and not discontinued, the temporary use of a manufactured
home, tiny house on a trailer, or similar structure in the case of a family hardship,
subject to the guidelines for Hardship Dwellings in “Temporary Use – Hardship
Dwelling” (Section 152(B)) and the “Approval Criteria for the Siting of Dwellings
on Forest Land” (Section 310) and “Approval Criteria for Fire Protection” (Section
300).

(m) On lands designated Small Woodland, the temporary use of a manufactured home,
tiny house on a trailer, or similar structure in the case of a family hardship, subject to
Sections 152(B), 300 and 310.

(n) A second single-family dwelling on lands designated Small Woodland for a farm
operator's relative, subject to Sections 190(1)(k), 300 and 310.

(o) Private roads serving a residence on the subject parcel, subject to Sections 300 and
310.

(p) Recreation development, subject to Section 610 and the Recreation Intensity Class
provision from Section 610.

(q) Agricultural labor housing upon a showing that:

(A) The proposed housing is necessary and accessory to a current agricultural use on
the subject farm.

(B) The housing shall be seasonal unless it is shown that an additional full-time
dwelling is necessary to the current agricultural use of the subject agricultural unit.
Seasonal use shall not exceed nine months.

(C) The housing shall be located to minimize the conversion of lands capable of
production of farm crops and livestock and will not force a significant change in or
significantly increase the cost of accepted agricultural practices employed on
nearby lands devoted to agricultural use.

(D) The housing is subject to the “Approval Criteria for the Siting of Dwellings on
Forest Land” (Section 310) and “Approval Criteria for Fire Protection” (Section
300) in this chapter.
(r) On lands designated Commercial Forest Land, a temporary manufactured home, tiny house on a trailer, or similar structure, in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forestland from fire. The manufactured home, tiny house on a trailer, or similar structure must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the manufactured home, tiny house on a trailer, or similar structure is subject to Sections 300 and 310.

(s) New cultivation, subject to compliance with Sections 540, and 560 through 590. Any operation that would cultivate land that has not been cultivated, or has lain idle for more than five (5) years is considered new cultivation, except cultivation and vegetation removal in conjunction with a home garden.

(t) Agricultural structures, except buildings, in conjunction with agricultural use, including new cultivation, subject to the “Approval Criteria for Fire Protection” (Section 300) in this chapter.

(u) Life Estates on lands designated Small Woodland, pursuant to Section 320.

(v) Land divisions in Small Woodland, Commercial Forest Land and Large Woodland zones, subject to the minimum lot sizes in Section 325(2), Section 165(B) and Article 18, County Subdivision Ordinance.

(w) Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Section 165(C)).

(x) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(y) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Section 152(D)).

(z) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(aa) Commercial events on lands designated Large Woodland or Small Woodland, subject to the guidelines in "Commercial Events" (Section 152(K)).

(bb) Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Section 162).

(2) The following uses may be allowed on lands designated SMA-Forest subject to compliance with the appropriate scenic, cultural, natural, and recreation resources
guidelines (Sections 520 through 620). The use or development will be sited to minimize
the loss of land suitable for the production of forest products:

(a) Any use listed in Section 190(2).

(b) New cultivation or new agricultural use outside of previously disturbed and
regularly worked fields or areas. Clearing trees for new agricultural use is subject to
the additional requirements of subsection (2)(x), below.

(c) Railroad and road construction or reconstruction.

(d) Exploration, development, and production of sand, gravel, or crushed rock for the
construction, maintenance, or reconstruction of roads used to manage or harvest
commercial forest products in the Special Management Areas.

(e) Silvicultural nurseries.

(f) Utility facilities for public service upon a finding that:

   (A) There is no alternative location with less adverse effect on Forest Land, and

   (B) The size is the minimum necessary to provide the service.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural,
recreation and natural resources, subject to the guidelines in "Resource
Enhancement Projects" (Section 152 (I)). These projects may include new
structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and
revegetating unused roads, recontouring abandoned quarries).

(h) Fish hatcheries and aquaculture facilities.

(i) Public recreation, commercial recreation, interpretive and educational development
and uses consistent with Section 620.

(j) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved
Forest Management Plan demonstrates that such dwelling is necessary for and
accessory to forest uses. The Forest Management Plan shall demonstrate the
following:

   (A) The dwelling will contribute substantially to the growing, propagation, and
harvesting of trees. The principal purpose for allowing a dwelling on forestlands
is to enable the resident to conduct efficient and effective management. This
requirement shall indicate a relationship between ongoing forest management and
the need for dwelling on the subject property.
(B) The subject parcel is enrolled in the state's forest assessment program.

(C) A plan for management of the parcel is approved by the Oregon Department of Forestry, and the Director. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

(D) There are no other dwellings on the parcel that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.

(E) The dwelling complies with all applicable building code and fire protection guidelines.

(F) A declaration is signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

(k) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (2)(m) or (2)(n), below.

(l) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(m) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The footprint of any individual accessory building shall not exceed 1,500 square
feet.

(C) The height of any individual accessory building shall not exceed 24 feet.

(n) Home occupations pursuant to Section 152(E).

(o) Temporary portable facility for the processing of forest products.

(p) Towers and fire stations for forest fire protection.

(q) Community facilities and nonprofit facilities related to forest resource management.

(r) Expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

(s) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured dwelling, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Section 152(B)).

(t) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(u) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Section 152(D)).

(v) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(w) Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 152(J)).

(x) Clearing trees for new agricultural use with the following steps and subject to the following additional guidelines:

(A) A Stewardship Plan shall be submitted and deemed complete by the Planning Director and submitted to the Forest Service for Subsection (y)(C) below.

(B) Clearing trees for new agricultural use shall be limited to 15 acres.
(C) If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of Subsection (2)(x)(D)(i-iv) below and subject to guideline Subsection (2)(x)(I) below.

(D) After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:

(i) Scenic Resource guidelines in Subsection (2)(y)(D)(i) and (vii).

(ii) Applicable guidelines of Sections 550, 600 and 620.

(iii) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(iv) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(E) The Forest Service shall send the review statement to the Planning Director. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the Planning Director.

(F) The Planning Director will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.

(G) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or Planning Director until a decision on the new agricultural use is issued by the Planning Director.

(H) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(I) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

(y) Forest practices in accordance with an approved forest practices application (see Section 080) and subject to the additional guidelines in Section 270.
(A) The following information, in addition to general site plan requirements (Section 080) shall be required:

(i) Delineate the following on a recent aerial photo or detailed map:

(I) The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

(II) Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

(III) Road and structure construction or reconstruction location.

(IV) Location of proposed rock or aggregate sources.

(V) Major skid trails, landings, and yarding corridors.

(VI) Commercial firewood cutting areas.

(VII) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(ii) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(iii) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in Subsections (2)(y)(D) and (E) below.

(iv) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(v) Road and structure construction or reconstruction design.

(vi) Existing and proposed rock pit development plans.

(vii) A discussion of slash disposal methods.

(viii) A reforestation plan as reviewed by the appropriate state forest
practices agency.

(B) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(C) Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements (Section 080) shall be provided:

(i) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(ii) Describe the time frame and steps planned to reach the long term goals.

(iii) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and forest health. The following shall be addressed:

(I) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.

(II) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(III) Give a clear explanation of how a deviation from the applicable guidelines may better achieve forest health objectives.

(IV) Give a clear explanation of how and why the proposed activities will move the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(iv) For clearing trees for new agricultural use, the following shall be addressed in addition to Subsection (2)(y)(C)(i) and (ii) above:

(I) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(II) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and
how it will meet the natural and scenic requirements set forth in Subsection (2)(x)(D)(i-iv) below.

(III) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(IV) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

(D) For forest practices, the following scenic resource guidelines shall apply:

(i) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone (See Required SMA Scenic Standards table in Section 530(2)(c).

(ii) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service. The Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(iii) In the western portion (to White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service. The Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(iv) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in Natural Resources guidelines in Subsection (2)(y)(E)(i) through (iii) below.

(v) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in Natural Resources guidelines in Subsection (2)(y)(E)(i) through (iii) below.

(vi) The maximum size of any created forest opening is set forth by the
“Desired” vegetation type in the Forest Structure and Pattern Table.

(I) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(II) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(vii) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from KVAs.

(E) Forest practices shall maintain the following in addition to applicable natural resources guidelines in Section 600.

(i) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(ii) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under the scenic resource guideline in Subsection 270(2)(y)(D)(vi) above.

(iii) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(iv) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall demonstrate why a deviation from the snag and down wood requirements is required.
<table>
<thead>
<tr>
<th>Vegetation Type</th>
<th>Forest Structure (Average % total canopy closure (cc))</th>
<th>Typical Forest Openings Size</th>
<th>Disturbance caused</th>
<th>Percent Openings at One Time</th>
<th>Leave Trees</th>
<th>Average Down Wood</th>
<th>Average Snags (Conifers)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>West Conifer</strong></td>
<td>60-80% canopy closure</td>
<td>Variable sizes with mosaic pattern, irregular shapes</td>
<td>Retain forested character</td>
<td>10%</td>
<td>Leave 15% of existing trees per acre throughout opening and in clumps.</td>
<td>18 - 25 pieces greater than 20” dbh</td>
<td>10 snags at 10” -20” dbh, and 7 snags greater than 20” dbh</td>
</tr>
<tr>
<td></td>
<td>Understory layer variable (0-60% of total cc)</td>
<td>Mosaic fire 1-100 acres</td>
<td>Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs)</td>
<td>55%</td>
<td>Include 3 trees per acre of the largest size trees available</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Catastrophic fire over 100 acres</td>
<td>All openings 1 acre or less on National Forest land and all Open Space LUD</td>
<td>Intense fire return interval is 300 yrs</td>
<td>Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>East Conifer</strong></td>
<td>40-80% canopy closure</td>
<td>Few Openings due to low intensity fires. 1/4 to 2 acres</td>
<td>Openings less than 1 acre</td>
<td>1 - 10%</td>
<td>No leave trees required</td>
<td>3 - 6 pieces greater than 20” dbh</td>
<td>5 snags at 10”-20” dbh and 3 snags greater than 20” dbh</td>
</tr>
<tr>
<td>(Ponderosa Pine/Douglas fir)</td>
<td>Understory layer less than 25% of total cc</td>
<td></td>
<td>Openings have 0 - 40% canopy closure</td>
<td>(% by vegetation type)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Openings widely dispersed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Ponderosa Pine/Oregon Oak</strong></td>
<td>25-60% canopy closure</td>
<td>Most natural openings due to poor soil. Disturbance openings few</td>
<td>Openings less than 1 acre</td>
<td>1 - 10%</td>
<td>No leave trees required</td>
<td>1 - 3 pieces greater than 20” dbh</td>
<td>5 snags at 10” - 20” dbh and 3 snags greater than 20” dbh Oak snags can be counted if already dead or partially dead</td>
</tr>
<tr>
<td></td>
<td>Understory layer greater than 25% of total cc</td>
<td></td>
<td>Openings have 0 - 25% canopy closure</td>
<td>(% by vegetation type)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

# Map available at the Forest Service National Scenic Area Office

* Does not apply to openings.
Dbh: Diameter at Breast Height
Review Uses with Additional Approval Criteria -- Commercial Forest Land, or Large or Small Woodland Designations

The following uses may be allowed on lands designated Commercial Forest Land, or Large or Small Woodland, subject to compliance with the appropriate scenic, cultural, natural, or recreation resources guidelines (Sections 520 through 620) and Section 290:

1. Construction, reconstruction, or modification of roads, utility facilities, and railroads necessary for public service upon a showing that (a) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and (b) the size is the minimum necessary to provide the service.

2. Home occupations in an existing residence or accessory structure, subject to the guidelines in Section 152(E).

3. Fruit and produce stands.

4. Wineries and ciders, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm and the local region.

5. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.

6. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

7. Exploration, development, and production of mineral and geothermal resources, subject to Section 520.

8. Aquaculture.

9. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

10. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

11. Expansion of existing nonprofit group camps, retreats, or conference centers.

12. Bed and breakfast inns in single-family dwellings, subject to Section 152(G) and provided that the residence:
   
   (a) Is included in the National Register of Historic Places, or
(b) Is identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.

(13) Nonprofit, environmental learning or research facilities.

(14) On parcels designated Small Woodland, small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Section 152(H)).

(15) Disposal sites managed and operated by the Oregon Department of Transportation or the county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities” (Section 152 (J)).

290. Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland

Uses identified in Section 280 may be allowed only if they meet the following criteria:

(1) The owners of land designated Commercial Forest Land, Large or Small Woodland, or Large Scale or Small-Scale Agriculture and that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(3) The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands; and

(4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with Section 300.
300. **Approval Criteria for Fire Protection in Forest Designations**

All uses in the General Management Area, as specified, shall comply with the following fire safety guidelines:

1. All buildings shall be surrounded by a maintained defensible space of at least 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Fuel breaks shall be adjusted to account for site slope, to protect riparian vegetation and other resources, or as recommended by local fire districts, conservation districts, or other professional.

2. Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).

3. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

4. Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent without a waiver to do so. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district, the County Forester and the Oregon Department of Forestry.

5. Within one year of the occupancy of a dwelling, the Director shall conduct a review of the development to assure compliance with these guidelines.

6. Utility supply systems shall be underground whenever possible.

7. Roofs of structures shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle shall not be used.

8. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be equipped with a spark arrestor that includes at least one screen no coarser than 1/8 inch mesh metal that is noncombustible and corrosion resistant.

9. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the International Building Code. Structural projections shall be set back from slopes.
(10) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/8 inch mesh metal screen that is noncombustible and corrosion resistant.

310. Approval Criteria for Siting of Dwellings on Forest Land

The approval of new dwellings and accessory structures on forest lands within the General Management Area shall comply with the following guidelines:

(1) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.

(2) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing non-forest uses, adjacent dwellings, or land productivity.

(3) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 30 percent. Dwellings should be set back from slopes. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(4) A variance to the siting guidelines of this rule may be granted pursuant to the provisions of Section 150(2).

320. Approval Criteria for Life Estates in Small Woodland

A landowner who sells or otherwise transfers real property on lands designated Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel. A second dwelling unit on lands designated Small Woodland may be allowed, subject to compliance with the guidelines in Sections 520 through 620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guideline 190(1)(h); or.
(2) The proposed dwelling complies with guideline 270(1)(b); and

(3) Upon termination of the life estate, the original or second dwelling shall be removed.

325. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Articles 75 shall prevail.

(1) All land divisions proposed in private, State and County ownership must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA:
   (A) Commercial Forest Land (F-1) 80 acre.
   (B) Large Woodland (F-2) 80 acre.
   (C) Small Woodland (F-3) 40 acre.

(b) SMA: Forest (F) 40 acre for new residences. However, new land divisions are not allowed in the SMA, unless the creation of a new parcel will facilitate land acquisition by the Federal government to achieve the policies and guidelines of the Management Plan. (Compliance with Section 165(B))

(c) SMA: No new dwellings shall be permitted on parcels of less than 40 contiguous acres.

(3) In the General Management Area, compliance, if applicable, with the Agricultural Buffer requirements listed under Section 150(1) (a) through (g).

(4) Height Maximum: 35 feet for primary buildings, unless superseded by GMA Landscape Setting requirements (see Section 520(3)) or SMA KVA guidelines 530 (2)(i). See Section 270(1)(j) and (k) and Section 270(2)(l) and (m) for accessory building height limits.

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.
(b) Rear: 20 feet.

(c) Side: Interior lot: 10 feet. Exterior lot or corner lot: 50 feet from the centerline of any street.

(d) Setbacks between buildings: 10 feet.

(e) Accessory farm buildings may be located within 10 feet of the rear property lines.

(f) Setbacks from streams: Compliance with provisions in Sections 560 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(g) Off-street parking for residential uses shall be provided.

(h) Lot depth: 330 feet.

(i) Vision clearance: Vision clearance shall be 35 feet.

(j) Mobile homes shall comply with applicable provisions in Article 16, Section 16.20, subparagraphs A. and B.
330. **Open Space Zone (OS)**

Sections 330 through 345 apply to those areas designated GMA-Open Space and SMA-Open Space on the Scenic Area Land Use Designation Map.

335. **Uses Allowed Outright and Expedited Review Uses – Open Space**

(A) The uses listed in "Uses Allowed Outright, GMA and SMA Open Space" (Section 070) are allowed without review on lands designated Open Space.

(B) The uses listed in "Expedited Development Review Process" (Section 156) may be allowed with review through the expedited development review process on lands designated Open Space.

340. **Review Uses – All Lands Designated Open Space**

(1) The following uses may be allowed on lands designated GMA-Open Space subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Sections 520 through 620):

(a) Low intensity recreation, subject to Section 610(2).

(b) Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources, subject to Section 345(2), Section 165(B) and Article 18, County Subdivision Ordinance.

(c) Improvement, not including expansion, of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(d) Removal of timber, rocks, or other materials for purposes of public safety.

(e) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152 (I)). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(f) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(g) Lot line adjustments, subject to compliance with the guidelines in "Lot Line Adjustments" (Section 165(C)).

(2) The following uses may be allowed on land designated GMA-Open Space in the Gorge Walls, Canyonlands and Wildlands Landscape Setting:
(A) All uses listed in Section 340 (1).

(B) Livestock grazing.

(C) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(D) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a county conservation district.

(E) Harvesting of wild crops.

(F) Educational or scientific research.

(G) Continued operation of existing quarries if they are determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources (Sections 520 through 620).

(3) The following uses may be allowed on lands designated GMA-Open Space within state parks:

(a) All uses listed in Section 340 (1).

(b) Fish and wildlife management uses conducted by federal, state or tribal resource agencies.

(c) Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.

(d) Harvesting of wild crops.

(e) Educational or scientific research.

(f) The following uses may be allowed on lands designated Open Space on those portions of state park ownerships not suitable for major recreation facilities subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources (Sections 520 through 620):

(A) All uses listed in Section 340(1).

(B) Fish and wildlife management uses conducted by federal, state, or tribal resource agencies.

(C) Soil, water, or vegetation uses performed in accordance with a conservation plan approved by a local conservation district.
(D) Harvesting of wild crops.

(E) Educational or scientific research.

(4) The following uses may be allowed on lands designated SMA-Open Space, subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Section 520 through 620) and when consistent with an open space plan reviewed and approved by the U.S. Forest Service pursuant to guideline (5) below:

(a) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

(b) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152(I)). These projects may include vegetation management and forest practices (subject to the forest practice guidelines of Section 270(2)(y) for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries)).

(c) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(d) Low intensity recreation uses, including educational and interpretive facilities, consistent with Section 620.

(e) Utility facilities for public service upon a showing that:

(A) There is no alternative location with less adverse effect on Open Space land.

(B) The size is the minimum necessary to provide the service.

(5) In the Special Management Areas, an Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed and approved by the Forest Service. The Open Space plan shall include the following:

(a) Direction for resource protection, enhancement, and management.

(b) Review of existing uses to determine compatibility with Open Space values.

(c) Consultation with members of the public and with agency and resource specialists.
(6) Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

1. Displacement of native and traditionally gathered plants;
2. Degradation of wildlife habitat and forage;
3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;
4. Limitation of recreation uses.

(c) For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

345. **Dimensional Requirements:**

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning Ordinance and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed in private, State and County ownership must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA:

   (A) No minimum parcel size for lands designated Open Space (OS).

   (B) Land divisions may be allowed to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.

(b) SMA: New land divisions are not allowed in the SMA, unless the creation of a new parcel will facilitate land acquisition by the Federal government to achieve the policies and guidelines of the Management Plan. (Compliance with Section 165(B))

(3) In the General Management Area, compliance, if applicable, with the Agricultural Buffer requirements listed under Section 150(1)(a through g).

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1 Adopted May 4, 1998 -- HRC Ordinance #220
(4) Height maximum: 35 feet for primary buildings, unless superseded by GMA Landscape Setting requirements (see Section 520(3)) or SMA KVA guidelines 530(2)(i).

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot: 10 feet. Exterior lot or corner lot: 50 feet from the centerline of any street.

(d) Accessory farm buildings may be located within 10 feet of the rear property lines.

(e) Setbacks from streams: Compliance with provisions in Sections 560 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(f) Off-street parking for residential uses shall be provided.

(g) Lot width and depth: None required.

(h) Vision clearance: Vision clearance shall be 35 feet.
350. Rural Residential Zone (RR)

Sections 350 through 390 apply to lands within the GMA zoned Rural Residential (RR). The minimum lot sizes are shown on the NSA Land Use Designation Map and County Zoning Maps. The Rural Residential designation does not apply to lands in the SMA in Hood River County. The above zoning district implements the Residential Plan designation.

The following provisions from the Management Plan apply to the area designated Residential and zoned Rural Residential located west of the Hood River Urban area but east of Country Club Road: New development within the Rural Residential Landscape Setting shall be compatible with the Landscape Setting, but not necessarily visually subordinate.

360. Uses Allowed Outright and Expedited Review Uses – Residential Land

(1) The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space" (Section 070) are allowed without review on lands designated Residential.

(2) The uses listed in "Expedited Development Review Process" (Section 156) are allowed with review through the expedited development review process on lands designated Residential.

370. Review Uses

The following uses may be allowed on lands in the General Management Area designated Residential, subject to compliance with the scenic, cultural, natural and recreation resources guidelines (Sections 520 through 620):

(1) One single-family dwelling per legally created and existing parcel.

   (A) If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland, the use shall comply with the buffer requirements of Sections 150(1) and 310(1), and the notification requirements of Sections 190(1)(p)(E) and 290(1); and

   (B) If the subject parcel is located adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines of Section 300.

(2) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in subsection 3 below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for dwelling on any legal parcel are subject to the following additional
standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(4) The temporary use of a manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to Section 152(B).

(5) New cultivation, subject to compliance with Sections 540 and 560 through 590. Any operation that would cultivate land that has not been cultivated, or has lain idle for more than five (5) years is considered new cultivation, except cultivation and vegetation removal in conjunction with a home garden.

(6) Agricultural structures, in conjunction with agricultural use, including new cultivation.

(7) Land divisions, subject to the minimum lot size as indicated on the Land Use Designation or Zoning Maps, Section 165(B) and Article 18, County Subdivision Ordinance.

(8) Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Section 165(C)).

(9) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152(I)). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(10) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 152(A)).

(11) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(12) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Section 152(D)).

(13) Removal/demolition of structures that are 50 or more years old, including wells,
septic tanks and fuel tanks.

(14) Commercial events, subject to the guidelines in "Commercial Events" (Section 152 (K)).

(15) Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Section 162).

380. Review Uses with Additional Approval Criteria – Residential Land

The following uses may be allowed on lands in the General Management Area designated Rural Residential subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Sections 520 through 620), and Section 390:

(1) Accredited childcare centers on land designated 1-acre Residential or 2-acre Residential. A childcare center may be allowed in other Rural Residential designations within an existing church or community building.

(2) Schools within an existing church or community building.

(3) Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

(4) Construction and reconstruction of roads, utility facilities, and railroads.

(5) Home occupations in an existing residence or accessory structure, pursuant to Section 152(E).

(6) Fire stations.

(7) Recreation development, subject to the guidelines established for Recreation Intensity Classes in Section 610.

(8) Community parks and playgrounds.

(9) Bed and breakfast inns in single-family dwellings located on lands designated Residential-5 or Residential-10, pursuant to 152(F).

(10) Overnight accommodations in single family dwellings located on lands designated Rural Residential-5 or Residential-10, subject to the guidelines of Section 152(F).

(11) Wineries and cideries, in conjunction with an onsite vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm and in the local region.

(12) Wine or cider sales and tasting rooms in conjunction with an on-site winery or
 cidery, under the following conditions:

(A) The use shall comply with the guidelines in "Home Occupations" (Section 152(E)), with the following exceptions:

(i) The use may employ an unlimited number of outside employees.

(ii) The wine or cider sales and tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

(iii) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine or cider sales and tasting room.

(iv) The exterior space may be a veranda, patio, or other similar type of structure.

(13) Boarding of horses on lands designated 10-acre Residential. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

(14) Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in “Small-Scale Fishing Support and Fish Processing Operations” (Section 152(H)).

390. Approval Criteria for Specified Review Uses on Lands Designated Rural Residential

The uses identified in Section 380 may be allowed only if they meet all of the following:

(1) The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, and noise, dust and odors.

(2) The proposed use will not require public services other than those existing or approved for the area.

(3) If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use shall comply with Section 150(1).

(4) If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the
proposed use shall comply with Section 300.
395. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning or Subdivision Ordinances and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed in private, State and County ownership must comply with provisions of the Hood River County Subdivision Ordinance.

(2) Minimum parcel size:

(a) GMA: The minimum parcel sizes are shown on the County Zoning Maps and the NSA Land Use Designations Map. The minimum parcel size will vary according to its location on the Zoning Map and will range from one (1) to ten (10) acres.

(3) Compliance, if applicable, with the Agricultural Buffer requirements listed under Section 150(1) (a) through (g).

(4) Height maximum: 35 feet.

(5) Setback minimums:

(a) Front: 50 feet from the centerline of any local street or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.

(c) Side: Interior lot - 10 feet. Exterior side of corner lot - 45 feet from the center line of any street.

(6) Off-street parking for residential uses: For each dwelling there shall be two spaces not within the front setback.

(7) Minimum width and depth requirements:

(a) Average lot width: 100 feet.

(b) Lot width at street: 50 feet.

(c) Average lot depth: 100 feet.

(8) Vision clearance: 35 feet.

(9) Setbacks from streams: Compliance with provisions in Sections 560 and 600. If
required, compliance with provisions in the following applicable Articles: Article 43 – Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(10) Mobile homes shall comply with applicable provisions in Article 16, Section 16.20, subparagraphs A. and B.
470. Public Recreation Zone (PR)

Sections 470 through 505 apply to lands zoned Public Recreation (PR) within both the GMA and SMA. The above zoning district implements the Public Recreation land use designation.

480. Uses Allowed Outright and Expedited Review Uses – Public Recreation

(1) The uses listed in "Uses Allowed Outright, All Land Use Designations Except Open Space" (Section 070) are allowed without review on lands designated Public Recreation.

(2) The uses listed in "Expedited Development Review Process" (Section 156) are allowed with review through the expedited development review process on lands designated Public Recreation.

490. Review Uses – Public Recreation Lands

(1) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the appropriate scenic, cultural, natural, and recreation resources guidelines (Sections 520 through 620), and where applicable Section 610(5)(a) and (c) through (g):

(a) Publicly-owned, resource-based recreation uses consistent with Recreation Intensity Class policies and guideline in Section 610.

(b) Commercial uses and non-resource based recreation uses that are part of an existing or approved, resource-based public recreation use consistent with guidelines contained in this Section.

(c) New cultivation, subject to compliance with Sections 540 and 560 through 590. Any operation that would cultivate land that has not been cultivated, or has lain idle for more than five (5) years is considered new cultivation, except cultivation and vegetation removal in conjunction with a home garden.

(d) Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Section 162).

(2) The following uses may be allowed on lands in the General Management Area designated Public Recreation, subject to compliance with the "Approval Criteria for Non-Recreation Uses in Public Recreation designations," (Section 500), and (Sections 520 through 620):

(a) One single-family dwelling for each existing parcel legally created prior
to adoption of the first Management Plan on October 15, 1991. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(b) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Subsection (c) below.

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 152(A)).

(f) Utility transmission, transportation, communication and public works facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152(I)). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Section 152(D)).

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
(k) Commercial events, subject to the guidelines in "Commercial Events" (Section 152(K)).

(3) Land divisions may be allowed in GMA-Public Recreation, subject to compliance with Section 500(1) and Article 18, County Subdivision Ordinance.

(4) In the General Management Area, lot line adjustments may be allowed, subject to compliance with the guidelines in "Lot Line Adjustments" (Section 165(C)). Note that in the Special Management Area, lot line adjustments are not a review use, but are allowed under expedited review (see Section 156).

(5) The following uses maybe allowed on lands in the Special Management Area designated Public Recreation subject to compliance with the appropriate scenic, cultural, natural and recreation resources guidelines (Sections 520 through 620):

(a) Forest uses and practices as allowed in Section 270(2), except Forest Land Review Uses 270(2)(i)(l)(m) and (w).

(b) Public trails, consistent with Section 620.

(c) Public recreational facilities, consistent with Section 620.

(d) Public non-profit group camps, retreats, conference or educational centers, and interpretive facilities.

(e) One single-family dwelling on a parcel of 40 contiguous acres or larger when it meets the conditions described for Agricultural Land (Section 190 (2)(c)) or Forest Land (Section 270(2)(j)), or when shown to be necessary for public recreation site management purposes.

(f) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (1)(g) below.

(g) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(A) The combined footprints of all detached accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

(h) Home occupations, pursuant to Section 152(E).
(i) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Section 152 (I)). These projects may include new structures (e.g., fish ladders, sediment barriers) or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(j) Road and railroad construction and reconstruction.

(k) Utility facilities for public service upon a showing that:

   (A) There is no alternative location with less adverse effect on Public Recreation land.

   (B) The size is the minimum necessary to provide the service.

(n) Agricultural uses as allowed in Section 190(2), except Agricultural Land Review Uses in Section 190(2)(h), (i), (t) and (aa).

(o) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home, tiny house on a trailer, or similar structure in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Section 152(B)).

(p) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(q) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(r) Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Section 152(D)).

500. Approval Criteria for Non-Recreation Uses in Public Recreation Designation

The uses identified in Section 490(2) and (3) may be allowed only if they meet the following criteria:

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include on-site buffers, seasonal or temporary closures during peak recreation use periods, etc.

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other
improvements may be used to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

505. Dimensional Requirements

Unless otherwise specified in Article 75, the following provisions will be met. If conflicts are noted between provisions in other Articles of the Hood River County Zoning and Subdivision Ordinances and Article 75, those in Article 75 shall prevail.

(1) All land divisions proposed in private, State and County ownership must comply with provisions of Article 18, County Subdivision Ordinance.

(2) Minimum parcel size:

(a) The Public Recreation designation, within both the GMA & SMA, is implemented with the Public Recreation zone (PR).

(b) Within the GMA, there is no minimum acreage requirement for lands in the Public Recreation zone. However, land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(c) New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. No new dwellings shall be permitted on parcels less than 40 contiguous acres within the SMA.

(3) In the General Management Area, compliance, if applicable, with the Agricultural Buffer requirements listed under Section 150(1) (a) through (g).

(4) Height maximum: 35 feet for primary buildings, unless superseded by GMA Landscape Setting requirements. See Section 520(3) or SMA KVA guideline 530 (2)(i), and Section 490(2)(c) and Section 490(5)(g) for accessory building height limit.

(5) Setback minimums:

(a) Front: 50 feet from the centerline of the road or 20 feet from the right-of-way line, whichever is greater. 60 feet from the centerline of any arterial street or 20 feet from the right-of-way line, whichever is greater.

(b) Rear: 20 feet.
(c) Side: Interior lot - 10 feet. Exterior side of corner lot - 50 feet from the center line of any street.

(d) Setbacks from streams: Compliance with provisions in Sections 560 and 600. If required, compliance with provisions in the following applicable Articles: Article 43 - Environmental Protection (EP) or Article 44 - Floodplain zone (FP).

(e) Parking spaces, pursuant to provisions in Article 51 - Off-Street Parking and Loading.

(f) Lot width and depth: None required.

(g) Vision clearance: Vision clearance shall be 35 feet.

(h) Mobile homes shall comply with applicable provisions in Article 16, Section 16.20, subparagraphs A. and B.
520. General Management Area Scenic Review Criteria

The following scenic review guidelines shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(1) All Review Uses:

(a) New development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

(b) New buildings and expansion of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline.

Findings addressing this guideline include but are not limited to:

(1) Application of the landscape setting design guidelines if applicable

(2) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(3) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

(i) All finished above ground square footage;
(ii) Total area of covered docks and porches;
(iii) Attached garages;
(iv) Daylight basements;
(v) Breezeways, if the breezeway shares a wall with an adjacent building;
(vii) Dimensions, based on information from the application or on Assessor’s records.

(4) An overall evaluation demonstrating the proposed development’s compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(c) Landowners shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in Section 520.
(2) Key Viewing Areas:

(a) The guidelines in this Section shall apply to proposed development on sites topographically visible from key viewing areas.

(b) Each development shall be visually subordinate to its setting as visible from key viewing areas. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

(c) Determination of potential visual effects and compliance with visual subordinance policies shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(d) A determination of to the potential visual impact of a new development shall include written findings addressing the following factors:

(i) The amount of area of the building site exposed to key viewing areas.

(ii) The degree of existing vegetation providing screening.

(iii) The distance from the building site to the key viewing areas from which it is visible.

(iv) The number of key viewing areas from which it is visible.

(v) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(vii) Other factors the reviewing agency determines relevant in consideration of the potential impact.

(B) The extent and type of conditions applied to a proposed development to achieve a visual subordinance to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include and shall
be applied using the following priorities:

(i) Screening by topography

(ii) Siting (location of development on the subject property, building orientation, and other elements).

(iii) Retention of existing vegetation on the applicant’s property.

(iv) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).

(v) New landscaping on the applicant’s property

(vi) New berms or other recontouring on the applicant’s property, where consistent with other applicable provisions

(e) New development shall be sited using existing topography and existing vegetation as needed to achieve visual subordinance from key viewing areas.

(f) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines in Section 520(3).

(g) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.

(h) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in Section 520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

(B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually
subordinate within five years or less from the commencement of construction. If, after five years, the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by the local government to make the development visually subordinate.

(C) Unless as specified otherwise by provisions in Section 520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(D) The *Scenic Resources Implementation Handbook* shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in Section 520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(i) Conditions regarding new landscaping or retention of existing vegetation for new development on lands designated GMA Commercial Forest, Large Woodland, or Small Woodland shall meet both scenic guidelines and defensible space requirements in Section 300(1).

(j) Unless expressly exempted by other provisions in Section 520, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.

(k) The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordinance. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials.

(l) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

(m) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a
condition of approval.

(n) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands visible from key viewing areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

(o) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(p) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(q) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

(A) The facility is necessary for public service;
(B) The break in the skyline is visible only in the background; and
(C) The break in the skyline is the minimum necessary to provide the service.

(r) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

(A) The facility is necessary for public service; and
(B) The break in the skyline is the minimum necessary to provide the service.

(s) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this guideline. In determining the slope, the average percent slope of the proposed
building footprint shall be used.

(t) Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

(3) All Review Uses within the following Landscape Settings shall comply with the following applicable guidelines: (See Landscape Settings Map.)

(a) Pastoral

(A) Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

(B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

(iii) At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate for the area.

(iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Variances may be granted to the guideline when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting.

(C) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature (as defined by Section 610), occurring infrequently in the landscape.

(b) Coniferous Woodland

(A) Structure height shall remain below the forest canopy level.
(B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(C) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(c) Oak-Pine Woodland

(A) Structure height shall remain below the tree canopy level of the dominant vegetation types of this setting.

(B) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development.

(i) At least half of any tree species planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

(ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

For substantially wooded portions:

(iii) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

For treeless portions or portions with scattered tree cover:
(iv) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.

(v) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

(vi) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

(C) Resource-based recreation uses of varying intensities may be compatible with this setting, although most are of low-intensity nature (such as trails or small scenic outlooks). More intensive recreation uses may be compatible where allowed pursuant to Section 610, although they are generally rare in this setting. As with Woodland settings, intensive recreation uses in Oak-Pine Woodlands may be compatible if widely scattered and not in large concentrations.

(d) Rural Residential

(A) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

(B) In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance guidelines (pursuant to Section 520(3)(h) - "Developed Settings and Visual Subordinance Policies") the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the setting or species identified in the Scenic Implementation handbook as appropriate for the area.

(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(C) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based
recreation uses (such as small scenic overlooks).

(D) The following provisions, from the Management Plan, apply to the area designated Residential and zoned Rural Residential, located west of the Hood River Urban area but east of Country Club Road: New development within the Rural Residential Landscape Setting shall be compatible with the Landscape Setting, but not necessarily visually subordinate.

New uses and developments in these particular areas are subject to only the following guidelines for scenic resources: Sections 520(1)(a) through (c); Section 520(2)(t); Sections 520(3)(d)(A), (C), and (D); and Sections 520(4)(a),(d),(e), and (f).

(e) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland, and Rural Residential/Oak-Pine Woodland

(A) New development in this setting shall meet the design guidelines for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

(B) In the event of a possible conflict between the guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable.

(C) Compatible recreation uses should be limited to very low and low-intensity resource-based recreation uses, scattered infrequently in the landscape.

(f) River Bottomlands

(A) In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:

(i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from Key Viewing Areas shall be retained.

(ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation development is encouraged to maximize the percentage of planted screening vegetation native to this setting.
(iii) At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening. Variances may be granted to this guideline when development is directly adjacent to or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting.

(B) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderate-or high-intensity recreation uses may be compatible, provided that:

(i) their designs emphasize retention or enhancement of native riparian communities,

(ii) structures and parking areas are visually subordinate, and

(iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.

(g) Gorge Walls, Canyons and Wildlands

(A) New development and expansion of existing development shall be screened so it is not visible from Key Viewing Areas to the maximum extent practicable.

(B) All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.

(C) Existing tree cover shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying land use designation or for safety purposes.

(D) All buildings shall be limited in height to a maximum of 1 and 1/2 stories.

(E) All structures' exteriors shall be non-reflective.

(F) Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway guidelines require otherwise.
(G) Compatible recreation uses are limited to very low or low-intensity, resource-based activities which focus on enjoyment and appreciation of sensitive resources. Such compatible uses (such as trails) are generally associated with minimal facility development, if any.

(h) Developed Settings and Visual Subordinance Policies

GMA policies to protect key viewing area viewsheds require that all new development on lands visible from key viewing areas be visually subordinate to its landscape setting, except for "specified developed settings that are not visually sensitive."

Gorgewide, three landscape settings are considered developed settings within this context: Rural Residential, Residential, and Village (No Residential or Village Landscape Settings occur in Hood River County). Of all NSA GMA lands in these three settings, six particular areas that are not visually sensitive have been identified. Only one of these areas is located in Hood River County. New development in this setting shall be compatible with the setting, but not necessarily visually subordinate. New development in these settings are exempt from the color and siting guidelines in the Key Viewing Areas Section of this chapter. This area is:

(A) West of Hood River Urban Area, east of Country Club Road (Rural Residential)

(4) All Review Uses within Scenic Travel Corridors shall comply with the following applicable guidelines:

(a) For the purposes of implementing this Section, the immediate foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.

(b) All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to Section 150(2). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

(c) Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway shall comply with guideline (4)(b) above to the maximum extent practicable.

(d) All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:
(A) An evaluation of potential visual impacts of the proposed project as visible from any Key Viewing Area;

(B) An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable guidelines to protect the resources.

(e) When evaluating possible locations for under-grounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for under-grounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory prepared in April, 1990.

(f) New exploration, development (extraction or excavation) and production of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in Section 150(7) and (8).

(g) Expansion of existing quarries may be allowed pursuant to Section 150(5). Compliance with visual subordinance requirements shall be achieved within time frames specified in Section 150(7) and (8).
530. **Special Management Area Scenic Review Criteria**

(1) SMA Design Guidelines Based on Landscape Settings

(a) The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas visible from KVAs as well as areas not visible from KVAs):

(A) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

(i) The use of plant species native to the landscape setting shall be encouraged. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area. The use of agricultural plant species in rows, as commonly found in the landscape setting is encouraged.

(B) Coniferous Woodland and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland and Oak-Pine Woodland landscape.

(i) Buildings designed to have a vertical overall appearance in the Coniferous Woodland landscape setting and a horizontal overall appearance in the Oak-Pine Woodland landscape setting shall be encouraged.

(ii) Use of plant species native to the landscape setting shall be encouraged. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area. Where non-native plants are used, they shall have native-appearing characteristics.

(C) River Bottomlands: River Bottomlands shall retain the overall visual character of a floodplain and associated islands.

(i) Buildings shall have an overall horizontal appearance in areas with little tree cover.

(ii) Use of plant species native to the landscape setting shall be encouraged. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area. Where non-native plants are used, they shall have native-appearing characteristics.
(D) Gorge Walls, Canyonlands, and Wildlands: New developments and land uses shall retain the overall visual character of the natural-appearing landscape.

(i) Structures, including signs, shall have a rustic appearance, use nonreflective materials, have low contrast with the surrounding landscape, and be of a Cascadian architectural style.

(ii) Temporary roads shall be promptly closed and revegetated.

(iii) New utilities shall be below ground surface, where feasible.

(iv) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

(2) SMA Guidelines for Development and Uses Visible from KVAs

(a) The guidelines in this Section shall apply to proposed development on sites topographically visible from key viewing areas.

(b) New development and land uses shall be evaluated for adverse effects, including cumulative effects, to ensure that the required scenic standard is met and that scenic resources are not adversely affected, based on the degree of visibility from key viewing areas. Adverse effects shall be prohibited.

(c) The required SMA scenic standards for all development and uses are summarized in the following table:

<table>
<thead>
<tr>
<th>LANDSCAPE SETTING</th>
<th>LAND USE DESIGNATION</th>
<th>SCENIC STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coniferous Woodland, Oak-Pine Woodland</td>
<td>Forest (National Forest Lands), Open Space</td>
<td>Not Visually Evident</td>
</tr>
<tr>
<td>River Bottomlands</td>
<td>Open Space</td>
<td>Not Visually Evident</td>
</tr>
<tr>
<td>Gorge Walls, Canyonlands, Wildlands</td>
<td>Forest, Agriculture, Public Recreation, Open Space</td>
<td>Not Visually Evident</td>
</tr>
<tr>
<td>Coniferous Woodland, Oak-Pine Woodland</td>
<td>Forest, Agriculture, Residential, Public Recreation</td>
<td>Visually Subordinate</td>
</tr>
<tr>
<td>Pastoral</td>
<td>Forest, Agriculture, Public Recreation, Open Space</td>
<td>Visually Subordinate</td>
</tr>
<tr>
<td>River Bottomlands</td>
<td>Forest, Agriculture, Public Recreation</td>
<td>Visually Subordinate</td>
</tr>
</tbody>
</table>
(d) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

(e) Proposed development or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

(f) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

(A) Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:

(i) The amount of area of the building site exposed to key viewing areas,

(ii) The degree of existing vegetation providing screening,

(iii) The distance from the building site to the key viewing areas from which it is visible,

(iv) The number of key viewing areas from which it is visible, and

(v) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(B) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as visible from key viewing areas, including but not limited to:

(i) Siting (location of development on the subject property, building orientation, and other elements),

(ii) Retention of existing vegetation,
(iii) Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and

(iv) New landscaping.

(g) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

(h) Proposed development shall not protrude above the line of a bluff, cliff, or skyline as visible from key viewing areas.

(i) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.

(j) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(A) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(B) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(C) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(D) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and
minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(k) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting.

(l) The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure meeting the scenic standard. *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials and screening methods.

(m) Any exterior lighting shall be sited, limited in intensity, and shielded, or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

(n) Seasonal lighting displays may be permitted on a temporary basis, not to exceed 3 months.

(o) New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

(A) Application of the landscape settings design guidelines, if applicable.

(B) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(C) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

(i) All finished above-ground square footage;

(ii) Total area of covered decks and porches;

(iii) Attached garages;

(iv) Daylight basements;

(v) Breezeways, if the breezeway shares a wall with an adjacent building;

(vi) Dimensions, based on information from the application or
on Assessor’s records.

(p) An overall evaluation demonstrating the proposed development’s compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

(3) SMA Guidelines for KVA Foregrounds and Scenic Routes

(a) All new development and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.

(b) Scenic highway corridor strategies shall be implemented for Interstate 84 (I-84) and the Historic Columbia River Highway (HCRH). For I-84 and the HCRH, this involves ongoing implementation (and possible updating) of the associated existing documents.

(c) The goals of scenic corridor strategies shall include: 1) providing a framework for future highway improvements and management that meet Management Plan scenic guidelines and public transportation needs; and 2) creating design continuity for the highway corridor within the National Scenic Area. Corridor strategies shall, at minimum, include design guidelines (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and an interdisciplinary, interagency project planning and development process.

(d) The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to applicable guidelines in Section 530(2).

(A) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous Section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

(B) Findings must evaluate the following:

(i) The limiting factors to meeting the required scenic standard and/or applicable guidelines from the previous Section,
(ii) Reduction in project size;

(iii) Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;

(iv) Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

(C) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as visible from the foreground of key viewing areas:

(i) Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.

(ii) Color-Color shall be found in the project’s surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.

(iii) Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.

(iv) Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

(e) Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as visible from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

(f) Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.
(4) SMA Guidelines for Areas Not Visible from KVAs

(a) Unless expressly exempted by other provisions in this chapter, colors of structures on sites not visible from key viewing areas shall be dark earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the *Scenic Resources Implementation Handbook.*

(b) New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include, but are not limited to:

(A) Application of the landscape setting design guidelines, if applicable.

(B) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(C) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

(i) All finished above-ground square footage;
(ii) Total area of covered decks and porches;
(iii) Attached garages;
(iv) Daylight basements;
(v) Breezeways, if the breezeway shares a wall with an adjacent building;
(vi) Dimensions, based on information from the application or on Assessor’s records.

(D) An overall evaluation demonstrating the proposed development’s compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.
540. General Management Area Cultural Resource Review Criteria

(1) General Provisions for Implementing the Cultural Resources Protection Process.

(a) All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).

(b) Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with tribal governments and any interested persons who submit written comments on a proposed use. Tribal governments shall be consulted if the affected cultural resources are precontact or otherwise associated with Native Americans. Comments received from a tribal government at any time during a local government’s review of a proposed development or use shall be considered to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

(c) Reconnaissance and Historic Surveys and Survey Reports.

(A) Gorge Commission and Tribal Government Notice

(i) In addition to other public notice requirements that may exist, local governments shall notify the tribal governments when (1) a reconnaissance survey is required or (2) cultural resources that are precontact or otherwise associated with Native Americans exist in the project area. Notices sent to tribal governments shall include a site plan. At a minimum, notice shall be sent via email where addresses are available. If a tribal government requests notice in another form, local governments shall comply with that request.

(ii) Tribal governments shall have 30 calendar days from the date a notice is mailed to submit written comments to the local government. The tribal government may choose to include comments that describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them. The local government shall send a copy of all comments to the Gorge Commission.

(B) Reconnaissance survey requirements and exceptions.

(i) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource and all proposed uses within 100
feet of a high probability area, including those uses listed as exceptions in subsection (ii) below. The Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Area Act, other federal law, and Oregon law.

(ii) A reconnaissance survey shall be required for all proposed uses, except:

(I) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

(II) Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments; storage sheds that do not require a foundation; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

(III) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of manufactured homes where septic systems and underground utilities are not involved.

The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.

(IV) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include, but are not limited to, grading and cultivation.

(V) Proposed uses that would occur on sites that have been adequately surveyed in the past.

Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented.
(VI) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

- Residential development that involves two or more new dwellings for the same project applicant.

- Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities.

- Public transportation facilities that are outside improved rights-of-way.

- Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater.

- Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources shall be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the Forest Service, public agencies, and private archaeologists.

The Gorge Commission, after consulting tribal governments and state historic preservation officers, shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. It shall be refined and revised as additional reconnaissance surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission.

(iii) A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource and all proposed uses within 100 feet of a high probability area, including those uses listed above in Subsection 540(1)(c)(B)(ii)(I) through (VI). The Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Area Act, other federal law, and Oregon law.

(C) A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of
buildings or structures that are 50 years old or older.

(D) The Gorge Commission shall conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

(E) Project applicants are responsible for paying for evaluations of significance and mitigation plans for cultural resources that are discovered during construction of small-scale and large-scale uses in the GMA.

For Section 540, large-scale uses include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

(F) Reconnaissance Surveys for Small-Scale Uses.

Reconnaissance surveys for small-scale uses shall be designed by a qualified professional.

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

(i) A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

(ii) Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.

(G) Reconnaissance Survey Reports for Small-Scale Uses

The results of a reconnaissance survey for small-scale uses shall be documented in a confidential report that includes:

(i) A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the
reconnaissance survey.

(ii) A description of any cultural resources that were discovered in the project area, including a written description and photographs.

(iii) A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

(H) Reconnaissance Surveys for Large-Scale Uses

(i) Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

(ii) Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following guidelines:

(I) Archival research shall be performed before any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeological, historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

(II) Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

(III) Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

(IV) Archaeological site inventory forms shall be submitted to the State Historic Preservation Officer whenever cultural resources are discovered.

(I) Reconnaissance Survey Reports for Large-Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report that includes:

(i) A description of the proposed use, including drawings and maps.

(ii) A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
(iii) A list of the documents and records examined during the archival research and a description of any precontact or historic events associated with the project area.

(iv) A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than 1 inch equals 100 feet (1:1,200).

(v) An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than 1 inch equals 100 feet (1:1,200).

(vi) A summary of all written comments submitted by tribal governments and other interested persons.

(vii) A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information obtained through archival and ethnographic research and field surveys.

(J) Historic Surveys and Reports

(i) Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.

(ii) Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.

(iii) The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

(d) The responsibility and cost of preparing an evaluation of significance, assessment of effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction.

(e) If cultural resources may be affected by a proposed use, an evaluation shall be
performed to determine if they are significant. Cultural resources are significant if one of the following criteria is satisfied:

(A) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Generally, cultural resources must meet one or more of the following criteria. If a cultural resource meets one or more of the criteria, then it shall be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. If a cultural resource has the requisite integrity, then it would be eligible for the National Register of Historic Places.

(1) Have an association with events that have made a significant contribution to the broad patterns of the history of this region.

(2) Have an association with the lives of persons significant in the past.

(3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.

(4) Yield, or may be likely to yield, important precontact or historical information.

(B) The cultural resources are determined to be culturally significant by a tribal government, based on criteria developed by that tribal government.

(f) The Gorge Commission established a Cultural Advisory Committee (CAC) that is comprised of cultural resource professionals, interested individuals, and at least one representative from each of the four Columbia River Treaty tribes. If a project applicant's and tribal government's evaluations of significance contradict, the CAC shall review the applicant's evaluation and tribal government's concerns. The CAC will submit a recommendation to the Director as to whether affected cultural resources are significant.

(2) Cultural Resource Reconnaissance and Historic Surveys

(a) Consultation and Ethnographic Research

(A) When written comments are submitted to the Director within the comment period provided in Section 120, the project applicant shall offer to meet with the interested persons within 10 calendar days. The 10-day consultation period may be extended upon agreement between the project
applicant and the interested persons.

Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. This consultation meeting may include oral history identification through tribal sources. Recommendations to avoid potential conflicts should be discussed.

All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report, except that sensitive tribal information may be redacted by an appropriate tribal representative. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

(B) A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Recordings, maps, photographs, and minutes shall be used when appropriate.

All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

(b) Notice of Survey Results

(A) The Director shall submit a copy of all cultural resource survey reports to the State Historic Preservation Officer and the tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

(B) The State Historic Preservation Officer and the tribal governments shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

c) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the proposed use would be consistent with Section 540. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Director shall justify how it reached an opposing conclusion.
(B) The cultural resource protection process may conclude when one of the following conditions exists:

(i) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.

(ii) A reconnaissance survey demonstrates that cultural resources do not exist in the project area, and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.

(iii) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground disturbing activities shall be prohibited within the buffer zone.

Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

(iv) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:

(I) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

(II) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic
character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (U.S. Department of the Interior 2007 or most recent revision.)

The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these guidelines. If it does not, architectural and building plans, photographs, and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

The historic survey and report must demonstrate that these guidelines have been clearly and absolutely satisfied. If the State Historic Preservation Officer or the Director question whether these guidelines have been satisfied, the project applicant shall conduct an evaluation of significance.

(3) Evaluation of Significance

(a) Evaluation Criteria and Information Needs:

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following guidelines:

(A) Evaluations of significance shall follow the procedures in *How to Apply the National Register Criteria for Evaluation* (U.S. Department of the Interior 1997 or most recent revision) and *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King, 1998 or most recent revision). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

(B) To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.

(C) The project applicant shall contact tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
(D) The evaluation of significance shall follow the principles, guidelines, and report format recommended by the Oregon State Historic Preservation Office (Oregon SHPO). It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

(E) All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with tribal governments and other interested persons shall be presented. All comments, recommendations, and correspondence from tribal governments and interested persons shall be appended to the evaluation of significance.

(b) Notice of Evaluation Results

(A) If the evaluation of significance demonstrates that the cultural resources are not significant, the Director shall submit a copy of the evaluation of significance to the State Historic Preservation Officer and the tribal governments for concurrence.

(B) The State Historic Preservation Officer, tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Cultural Resources are Culturally Significant

(A) If a tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee (CAC) shall make an independent review of the applicant's evaluation and the tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.

(B) The tribal government shall substantiate its concerns in a written report. The report shall be submitted to the Director, CAC, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC must submit its recommendation to the Director within 30 calendar days from the date the evaluation of significance is mailed.

(d) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or
recommendations submitted by the State Historic Preservation Officer or CAC, the Director shall justify how an opposing conclusion was reached.

(B) The cultural resource protection process may conclude if the affected cultural resources are not significant.

(C) If the project applicant or the Director determines that the cultural resources are significant, the effects of the proposed use shall be assessed.

(4) Assessment of Effect

(a) Assessment Criteria and Information Needs:

If a use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following guidelines:

(A) The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.11.

(i) Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.5].

(ii) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR 800.5]. Adverse effects on cultural resources include, but are not limited to:

(I) Physical destruction, damage, or alteration of all or part of the cultural resource.

(II) Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.

(III) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting.

(IV) Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in 36 CFR 800.5.

(B) The assessment of effect shall be prepared in consultation with tribal
governments and interested persons, as appropriate. The concerns and recommendations voiced by tribal governments and interested persons shall be recorded and addressed in the assessment.

(C) The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following instances apply:

(i) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.

(ii) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, restoring, and Reconstructing Historic Buildings (U.S. Department of the Interior 2017 or most recent revision)

(iii) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

(b) Notice of Assessment Results

(A) If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Director shall submit a copy of the assessment to the State Historic Preservation Officer and the tribal governments.

(B) The State Historic Preservation Officer, tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Director shall justify how an opposing conclusion was reached.
(B) The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

(C) A mitigation plan shall be prepared if a project applicant or the Director determines that the proposed use would have an adverse effect on significant cultural resources.

(5) Mitigation Plans

(a) Mitigation Plan Criteria and Information Needs:

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans shall reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

(A) Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Officer.

(B) Avoidance of cultural resources through project design and modification is preferred. Avoidance may be affected by reducing the size, scope, configuration, and density of the proposed use.

Alternative mitigation measures shall be used only if avoidance is not practicable.

Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism shall be developed and recorded in county deeds and records.

(C) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR 800.11, including, but not limited to:

(i) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
(ii) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.

(iii) Documentation of consultation with the State Historic Preservation Officer regarding any alternatives or mitigation measures.

(iv) A description of the project applicant's efforts to obtain and consider the views of tribal governments, interested persons, and Director.

(v) Copies of any written recommendations submitted to the Director or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

(b) Notice of Mitigation Plan Results

(A) If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Director shall submit a copy of the mitigation plan to the State Historic Preservation Officer and the tribal governments.

(B) The State Historic Preservation Officer, tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the Director. The Director shall record and address all written comments in the development review order.

(c) Conclusion of the Cultural Resource Protection Process

(A) The Director shall make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by the State Historic Preservation Officer, the Director shall justify how an opposing conclusion was reached.

(B) The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.

(C) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

(6) Cultural Resources Discovered After Construction Begins

The following procedures shall be affected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the Director and the State Historic Preservation Officer. Tribal governments also shall receive a copy of all reports and plans if the cultural
resources are precontact or otherwise associated with Native Americans.

(a) Halt of Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

(b) Notification. The project applicant shall notify the Director and the Gorge Commission within 24 hours of the discovery. If the cultural resources are precontact or otherwise associated with Native Americans, the project applicant shall also notify the tribal governments within 24 hours.

(c) Survey and Evaluation. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Officer. (See Oregon Revised Statute (ORS) 358.905 to 358.955.) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in "Reconnaissance Survey Reports for Large-Scale Uses" and "Evaluation of Significance: Evaluation Criteria and Information Needs" above.

Based on the survey and evaluation report and any written comments, the Director shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant. A mitigation plan shall be prepared if the affected cultural resources are significant.

(d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in the "Mitigation Plans: Mitigation Plan Criteria and Information Needs" Section of this chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

(7) Discovery of Human Remains

The following procedures shall be used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

(a) Halt of Activities. All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

(b) Notification. Local law enforcement officials, the Director, the Gorge Commission, and the tribal governments shall be contacted immediately.
Contact with any other entity not expressly listed here is prohibited.

(c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are precontact, historic, or modern. Representatives from the tribal governments shall have an opportunity to monitor the inspection.

(d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.

(e) Treatment. In Oregon, precontact or historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760.

If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in "Mitigation Plans: Mitigation Plan Criteria and Information Needs".

The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in "Mitigation Plans: Conclusion of the Cultural Resource Protection Process" are met and the mitigation plan is executed.

550. Special Management Area Cultural Resource Review Criteria

(1) General Guidelines for Implementing the Cultural Resources Protection Process

(a) All cultural resource information shall remain confidential, according to Section 6(a)(1)(A) of the Scenic Area Act. Federal agency cultural resource information is also exempt by statute from the Freedom of Information Act under 16 USC 470aa and 36 CFR 296.18.

(b) All cultural resources surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.

(c) The Forest Service will be responsible for performing the literature review and consultation, inventory, evaluations of significance, assessments of effect, and mitigation requirements in Section 550(4) for forest practices and National Forest System lands.

(d) New developments or land uses shall not adversely affect significant cultural resources.
(2) The procedures and guidelines in Section 540 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects, and forest practices.

(3) The procedures and guidelines in 36 CFR 800 and Section 550(4) shall be used by and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.

(4) The following procedures as well as the provisions in 36 CFR 800.4 for assessing potential effects to cultural resources and 36 CFR 800.5 for assessing effects to cultural resources shall be used to assess potential effects to cultural resources.

(a) Literature Review and Consultation

(A) An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state or county level exist on or within the area of potential direct and indirect impacts.

(B) A search shall be made of state and county government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be allowed for 30 days.

(C) Consultation with cultural resource professionals knowledgeable about the area.

(D) A field inventory by a cultural resource professional shall be required if the Forest Service determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Tribal governments.

(b) Field Inventory

(A) The presence of a recorded or known cultural resource, including those reported by tribal governments to be on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.

(B) Tribal representatives shall be invited to participate in the field inventory.

(C) The field inventory shall consist of one or the other of the following guidelines, as determined by the cultural resource professional:
(i) Complete survey: the systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects. A complete survey may also require techniques such as clearing of vegetation, augering or shovel probing of subsurface soils for the presence of buried cultural resources.

(ii) Sample survey: the sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

(D) A field inventory report shall be prepared, and shall include the following:

(i) A narrative integrating the literature review of Section (4)(a) above with the field inventory of Section (4)(b) above.

(ii) A description of the field inventory methodology used, including the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.

(iii) A statement of the presence or absence of cultural resources within the area of the new development or land use.

(iv) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included. Recommendations and standards for monitoring, if appropriate, shall be included.

(D) Reports for inventories conducted in the State of Oregon shall follow the format specified by the Oregon State Historic Preservation Office.

(E) The field inventory report shall be presented to the Forest Service for review.

(e) Evaluations of Significance
(A) When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with the criteria of the National Register of Historic Places (36 CFR 60.4).

(B) Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

(C) Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, Guidelines for the Evaluation and Documentation of Traditional Cultural Properties, within local and regional contexts.

(D) Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service shall review evaluations for adequacy.

(E) Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

(F) An assessment of effect shall be required if the Forest Service determines that the inventoried cultural resources are significant.

(d) Assessment of Effect

(A) For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 ("Assessing Effects"). Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (B) through (D) below. The Forest Service shall review each determination for adequacy.

(B) If the proposed development or change in use will have "No Adverse Effect," as defined by 36 CFR 800.4, to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an affect then the criteria of adverse effect must be applied (36 CFR 800.5).

(C) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.5 to a significant cultural resource, the
type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented (36 CFR 800.6 “Resolution of Adverse Effects”). This documentation shall follow the process outlined under 36 CFR 800.11 (“Failure to Resolve Adverse Effects”).

(D) If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 (“Documentation Standards”).

(e) Mitigation

(A) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects (36 CFR 800.6 “Resolution of Adverse Effects”). These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

(B) Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

(C) The Forest Service shall review all mitigation proposals for adequacy.

Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey, 2) a determination of significance, 3) an assessment of effect, or 4) a mitigation plan.

(5) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service if cultural resources are discovered during construction or development.

(a) If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and, if possible, to recover the resource.

(b) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
(A) The applicant shall stop all work in the vicinity of the discovery.

(B) The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(C) The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(D) A cultural resource professional shall evaluate the potential significance of the resource pursuant to Section 550(4)(c) and report the results to the Forest Service.

(c) The cultural resource review process shall be completed, and work may continue if the Forest Service determines that the cultural resource is not significant.

(d) The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to Section 550(4)(e) if the Forest Service determines that the cultural resource is significant.
560. General Management Area Water Resource and Buffer Zones

(1) Site Plans for Review Uses in Water Resources and Buffer Zones

   (a) In addition to the information required in all site plans, site plans for proposed uses in water resources or their buffer zones shall include:

      (A) a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail;

      (B) the exact boundary of the water resource, ordinary high water mark or normal pool elevation, and the buffer zone; and

      (C) a description of actions that would affect the water resource.

(2) The following uses may be allowed outright in wetlands, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and “Approval Criteria for uses in Wetlands” in Subsection 5 below:

   (a) The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not:

      (1) Increase the size of an existing structure by more than 100 percent.
      (2) Result in a loss of water resource function.
      (3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

   (b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

   (c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(3) The following uses may be allowed in water resources (except wetlands), and may be allowed in all water resource buffer zones (including wetland buffer zones), subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and “Approval Criteria for Modifications to Serviceable
Structures and Minor Water-Dependent and Water-Related Structures in Water Resources in Section 6 below:

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(A) Increase the size of an existing structure by more than 100 percent,

(B) Result in a loss of wetlands acreage or functions,

(C) Result in a loss of water quality, natural drainage, and fish and wildlife habitat.

(D) Intrude further into a water resources or water resources buffer zone. New structures shall be considered intruding further into a water resources or water resources buffer zone if any portion of the structure is located closer to the water resource or buffer zone than the existing structure.

(b) The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretative aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

(c) The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.

(4) Uses that are not allowed outright or in Section 1 and 2 above, may be allowed in water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with the guidelines for the protection of scenic, natural, cultural and recreation resources and “Approval Criteria for Other Review Uses in Water Resources in Section 7 below.

(5) Approval Criteria for Uses in Wetlands: The uses identified in Section (1) above may be allowed only if they meet all of the following criteria:

(a) Practicable alternatives to locating the structure outside of the wetland do not exist.

(b) All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological
functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.

(e) The use complies with the Approval Criteria for Other Review Uses in Water Resources in Section 7 below.

(f) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

(g) The structure complies with all applicable federal, state, and county laws.

(6) Approval Criteria for Modification to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources: The uses identified in Subsection 2 above may be allowed only if they meet all of the following criteria:

(a) Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist.

(b) All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.

(c) The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

(d) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

(e) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.
(f) The structure complies with all applicable federal, state, and local laws.

(7) Approval Criteria for Other Review Uses in Water Resources: The uses identified in Section (3) above may be allowed only if they meet all of the following criteria:

(a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

(A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on water resources;

(B) The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on water resources; and

(C) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:

(A) The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.

(B) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.

(C) The functions and size of the water resources that may be affected.

(D) The economic value of the proposed use to the general area.

(E) The ecological value of the water resources and probable effect on public health and safety, fish, plants, and wildlife.

(c) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources or buffer zones:
(A) Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.

(B) Constructions shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon’s published guidelines for in-water work, or as advised by the Department of Fish and Wildlife.

(C) All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.

(D) Bridges, roads, pipeline, and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(E) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel’s width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.

(F) Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(G) Measure shall be taken to prevent the introduction or spread of invasive plants or aquatic species.

(d) Groundwater and surface-water quality will not be degraded by the proposed use.

(e) Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in water resources or buffer zones.

(f) The proposed use complies with all applicable federal, state, and county laws.

(g) Areas that are disturbed during construction will be rehabilitated. When a project area cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

(h) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be
(i) Unavoidable impacts to water resources will be offset through restoration, creation, or enhancement of impacted resources. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable water resource impacts.

The following water resource restoration, creation, and enhancement guidelines shall apply:

(A) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred approach when wetlands are impacted.

(B) Water resources restoration and enhancement shall be conducted in accordance with a wetland compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged.

(C) Water resources shall be replanted with native plant species that replicate the original vegetation community.

(D) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

(E) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

(F) The bed of the affected aquatic area shall be rehabilitated with materials appropriate for the channel and hydrologic features.

(G) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat features including large woody debris and boulders.

(H) Rehabilitation and enhancement efforts shall be completed no later than 90 days after the water resource or buffer zone has been altered, or as soon thereafter as is practicable.

(I) The size of replacement wetlands shall equal or exceed the following ratios (the first number specifies the required acreage of replacement wetlands and the second number specifies the acreage of wetlands altered:
(i) Restoration: 2:1
(ii) Creation: 3:1
(iii) Enhancement: 4:1

(J) Replacement wetlands shall replicate the functions of the wetland that will be altered such that improvement of wetlands functions occurs.

(K) Replacement wetlands should replicate the type of wetland that will be altered. If this guideline is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that improvement of wetlands functions occurs.

(L) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered wetland as practicable.

(M) Restoration, creation, and enhancement efforts should be completed before a water source is altered. If it is not practicable to complete all restoration, creation, and enhancement efforts before the water source is altered, these efforts shall be completed before the new use is occupied or used.

(N) Five years after a wetland is restored, created, or enhanced, or three years after a stream, pond, lake, or riparian area is restored, at least 75 percent of the replacement vegetation must survive. The owner shall monitor the hydrology and vegetation of the replacement water resource, provide reports, and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan or water resources mitigation plan, and this guideline.

(8) Rules for Delineating Wetland Boundaries:

(a) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior), as well as local wetlands inventories produced by state or local governments. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered during an inspection of a potential project site shall be delineated and protected.

(b) The project applicant shall be responsible for using the procedures specified in the *Corps of Engineers Wetlands Delineation Manual* (Wetlands Research Program Technical Report Y-87-1, on-line).
(c) The local government may verify the accuracy of, and render adjustments to, a wetlands boundary delineation. If the adjusted boundary delineation is contested by the project applicant, the local government shall obtain professional services to render a final delineation, at the applicant's expense.

(9) Water Resources Buffer Zones

(a) All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified below.

(b) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, and the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the water resource boundary. On the main stem of the Columbia River above the Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:

1. The width of wetlands, lakes, and ponds buffer zones shall be based on the dominant vegetation community that exists in a buffer zone. The following buffer zone widths shall be required:
   
   (A) Forest communities: 75 feet
   (B) Shrub communities: 100 feet
   (C) Herbaceous communities: 150 feet

2. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

3. A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent. A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
(4) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(5) An herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and non-woody vines.

(c) A buffer zone width of 200 feet shall be provided from the Hood River, which was identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat stream.

(d) A buffer zone width of 100 feet shall be provided from streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams:

(e) A buffer zone width of 50 feet shall be provided from intermittent streams provided they are not used by anadromous or resident fish.

(f) Except as otherwise allowed, water resources buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

(e) The project applicant shall be responsible for determining the exact location of the ordinary high watermark or normal pool elevation. The local government may verify the accuracy of, and render adjustments to, an ordinary high watermark or normal pool delineation. If the adjusted boundary delineation is contested by the project applicant, the local government shall obtain professional services to render a final delineation, at the project applicant's expense.

(10) Wetlands Compensation Plans:

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create or enhance wetlands.

A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by the local government, after consultation with federal and state agencies with jurisdiction over wetlands. They shall satisfy the following guidelines and any others required by federal and state agencies:

(a) Wetlands compensation plans shall be prepared by a qualified professional hired by a project applicant. They shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
(b) Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered and the wetland that will be restored, created, or enhanced. The assessment shall include information on flora, fauna, hydrology, and wetlands functions.

(c) Compensation plans shall also assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.

(d) Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:

(A) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

(B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

(C) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.

(e) A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

(f) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

(11) Water Resources Mitigation Plans:

(a) Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, or buffer zone. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. Plans shall satisfy the following guidelines and any others required by federal and state agencies:
(A) Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals.

(B) All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, or buffer zone. The assessment shall include hydrology, flora, and fauna.

(C) Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:

1. Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.

2. Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.

3. Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

(D) A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this guideline. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

(E) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.
580. General Management Area Sensitive Wildlife Review Criteria

(1) Priority Habitat and Sensitive Wildlife Sites:

(a) Proposed uses shall not adversely affect priority habitat or sensitive wildlife sites:

(A) Priority Habitats are identified by the Forest Service and Oregon Department of Fish and Wildlife. The agencies revise their priority habitats from time to time. The Priority Habitats Table is found in Section 600(A)(3)(d)(I), below.

(B) Sensitive Wildlife Sites are the location used by “Rare Wildlife Species” (as noted below) for nesting, roosting, denning, and other lifecycle needs.

(C) "Rare wildlife species” includes species that are:

(i) listed as endangered or threatened pursuant to federal or state endangered species acts,

(ii) listed as sensitive by the Oregon Fish and Wildlife Commission, or

(iii) considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

Updated lists of species included in sensitive wildlife sites can be found on the websites for the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available on the Gorge Commission website.

(b) In addition to the information required in all site plans, uses within 1,000 feet of a Priority Habitat or sensitive wildlife site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

(2) Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and “Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites” in Subsection 5 below.

(3) Proposed uses within 1,000 feet of a Priority Habitat or sensitive wildlife site shall
be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(4) Field Surveys for Review Uses Near Priority Habitat and Sensitive Wildlife Sites

A field survey to identify sensitive wildlife areas or sites shall be required for the following large-scale uses:

(a) Land divisions that create four or more parcels;

(b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(c) Public transportation facilities that are outside improved rights-of-way;

(d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation development. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat and sensitive wildlife sites discovered in a project area shall be described and shown on the site plan map.

(5) Approval Criteria for Review Uses Near Priority Habitat and Sensitive Wildlife Sites:

(a) Uses that are proposed within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be reviewed by the Oregon Department of Fish and Wildlife. The approximate locations of sensitive wildlife sites are maintained by the Gorge Commission, Forest Service, and state wildlife agencies. State wildlife biologists will help determine if a new use would adversely affect a Priority Habitat or sensitive wildlife site.

(b) Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. These criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

(c) Site plans shall be submitted to the Oregon Department of Fish and Wildlife.
State wildlife biologists will review the site plan and their field survey records and:

(A) Identify/verify the precise location of the Priority Habitat or sensitive wildlife site,

(B) Ascertain whether the Priority Habitat or sensitive wildlife site is active or abandoned, and

(C) Determine if the proposed use may compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify wildlife data and assess the potential effects of a proposed use.

(d) The following factors may be considered when site plans are reviewed:

(A) Biology of the affected wildlife species.

(B) Published guidelines regarding the protection and management of the affected wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.

(C) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(D) Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife site.

(E) Existing condition of the Priority Habitat or sensitive wildlife site and the surrounding habitat.

(e) The wildlife protection process may terminate if the Director, in consultation with the state wildlife agency, determines:

(A) The sensitive wildlife site is not active, or

(B) The proposed use would not compromise the integrity of the Priority habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.

(f) If the Director, in consultation with the state wildlife agency, determines that the proposed use would have only minor effects on the Priority Habitat or sensitive wildlife site that could be eliminated by simply modifying the site
plan through measures recommended by the state wildlife biologist or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Director will incorporate them into the development review order and the wildlife protection process may conclude.

(g) The project applicant shall prepare a wildlife mitigation plan if the Director, in consultation with the state wildlife agency, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing.

(h) The Director shall submit a copy of all field surveys and wildlife mitigation plans to Oregon Department of Fish and Wildlife. The state wildlife agency will have 30 days from the date that a field survey or management plan is mailed to submit written comments to the Director.

(i) The Director shall record and address any written comments submitted by the state wildlife agency in the land use review order.

(j) Based on the comments from the state wildlife agency, the Director will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the Director shall justify how the opposing conclusion was reached.

(k) The Director shall require the applicant to revise the wildlife mitigation plan as necessary to ensure that the proposed use would not adversely affect a Priority Habitat or sensitive wildlife site.

(l) If the Director discovers a new protected wildlife location during the review process, the local government shall submit this information to the Oregon Department of Fish and Wildlife to be updated in their species databases.

(6) Wildlife Mitigation Plans

Wildlife mitigation plans shall be prepared when a proposed use is likely to adversely affect a Priority habitat or sensitive wildlife site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority habitats and sensitive wildlife sites, maximizes their development options, mitigates temporary impacts to the sensitive wildlife site or buffer zone, and offsets unavoidable negative impacts to priority habitats and sensitive wildlife sites.
Wildlife mitigation plans shall meet the following guidelines:

(a) Wildlife mitigation plans shall be prepared by a professional wildlife biologist hired by the project applicant.

(b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and habitat value of the wildlife site.

(c) Where applicable, the core habitat of the rare wildlife species shall be delineated. It shall encompass the sensitive wildlife site and the attributes or key components that are essential to maintain the long-term use and integrity of the wildlife area or site.

(d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

(e) The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect the rare wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following shall apply:

(A) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures.

(B) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation or enhancement will be completed before a particular species returns.

(f) Rehabilitation or enhancement shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve a no net loss of the integrity of the wildlife area or site.
Rehabilitation and enhancement actions shall be documented in the wildlife mitigation plan and shall include a map and text.

(g) The applicant shall prepare and implement a 3-year monitoring plan when the affected Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. It shall include an annual report and shall track the status of the Priority Habitat or sensitive wildlife site and the success of rehabilitation or enhancement actions.

At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the wildlife mitigation plan guidelines.

(7) New Fences in Deer and Elk Winter Range

(a) New fences in deer and elk winter range may be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens, Priority Habitat, or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(b) New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, Specifications for Structural Range Improvements (Sanderson, et al. 1990), as summarized below, and may be revised from time to time, unless the applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage:

(A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.

(B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

(C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

(D) Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
(c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.
590. General Management Area Rare Plant Review Criteria

(1) Rare Plants and Site Plans for Review Uses Near Rare Plants

(a) Proposed uses shall not adversely affect rare plants. "Rare plants" means plant species that are:

(A) Endemic to the Columbia River Gorge and vicinity. The table below lists the endemic plants as of 2021, which the Gorge Commission developed in consultation with the Oregon Biodiversity Information Center.

(B) Listed as endangered or threatened pursuant to federal or state endangered species acts, or

(C) Designated global or state status ranks 1, 2, or 3 by the Oregon Biodiversity Information Center. This includes designated native plant communities.

Updated lists of plant species and ecosystems can be found on the website for the Oregon Biodiversity Information Center. A list also is maintained by the USDA Forest Service – National Scenic Area and available on the Gorge Commission website.

Columbia Gorge and Vicinity Endemic Plant Species

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howell’s bentgrass</td>
<td>Agrostis howellii</td>
</tr>
<tr>
<td>Hood River milk-vetch</td>
<td>Astralgus hoodianus</td>
</tr>
<tr>
<td>Smooth-leaf douglasia</td>
<td>Douglasia laevigata var. laevigata</td>
</tr>
<tr>
<td>Howell’s daisy</td>
<td>Erigeron oreganus</td>
</tr>
<tr>
<td>Klickitat biscuitroot***</td>
<td>Lomatium klickitatense</td>
</tr>
<tr>
<td>Long-beard hawkweed</td>
<td>Hieracium longiberbe</td>
</tr>
<tr>
<td>Smooth desert parsley</td>
<td>Lomatium laevigatum</td>
</tr>
<tr>
<td>Suksdorf’s desert parsley</td>
<td>Lomatium suksdorffii</td>
</tr>
<tr>
<td>Barrett’s penstemon</td>
<td>Penstemon barrettiae</td>
</tr>
<tr>
<td>Obscure buttercup</td>
<td>Ranunculus reconditus</td>
</tr>
<tr>
<td>Oregon sullivantia</td>
<td>Sullivantia oregana</td>
</tr>
<tr>
<td>Columbia kententails</td>
<td>Synthyris stellate</td>
</tr>
</tbody>
</table>

(b) In addition to the information required in all site plans, site plans for uses within 1,000 feet of a rare plant site shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

(2) Except uses allowed outright, proposed uses may be allowed within 1,000 feet of a rare plant, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and "Approval Criteria for Review Uses Near Rare Plants" in Subsection 5 below.
(3) Proposed uses within 1,000 feet of a rare plant site shall be evaluated for adverse effects, including cumulative effects. Adverse effects shall be prohibited.

(4) Field Survey

A field survey to identify rare plants shall be required for the following large-scale uses:

(a) Land divisions that create four or more parcels;

(b) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

(c) Public transportation facilities that are outside improved rights-of-way;

(d) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

(e) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. They shall be conducted when plants are expected to be flowering or most easily detectable. Field surveys shall identify the precise location of the rare plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map and kept confidential by the local government as required by state law.

(5) Approval Criteria for Review Uses Near Rare Plants:

(a) Site plans shall be submitted to the Oregon Biodiversity Information Center by the Director for uses proposed within 1,000 feet of a rare plant. Biodiversity Information Center staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.
(b) The rare plant protection process may conclude if the Director, in consultation with Oregon Biodiversity Information Center staff, determines that the proposed use would be located outside of a rare plant buffer zone.

(c) New uses shall be prohibited within rare plant buffer zones, except those listed in Sections 590(2).

(d) If a proposed use must be allowed within a rare plant buffer zone in accordance with Section 150(2), the project applicant shall prepare a mitigation plan pursuant to Section 590(6).

(e) The Director shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Biodiversity Information Center. The Natural Heritage Program staff will have 20 days from the date that a field survey is mailed to submit written comments to the Director.

The Director shall record and address any written comments submitted by the Natural Heritage Program staff in the land use review order.

Based on the comments from the Natural Heritage Program staff, the Director will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the Natural Heritage Program staff, the Director shall justify how the opposing conclusion was reached.

(6) Rare Plant Mitigation Plans

Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a rare plant buffer zone as the result of a variance. All plans shall meet the following guidelines:

(a) Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by the project applicant.

(b) Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.

(c) Rare plants that will be altered shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants
survive 3 years after the date they are planted.

(d) Rare plants and their surrounding habitat that will not be altered shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation easements, livestock management, and noxious weed control.

(e) Habitat of a rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

(f) Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

(g) Rare Plant Mitigation plans shall include maps, photographs, and text. The text shall:

(A) Describe the biology of rare plant species that will be affected by a proposed use.

(B) Explain the techniques that will be used to protect rare plants and their surrounding habitat that will not be altered.

(C) Describe the mitigation actions that will minimize and offset the impacts that will result from a proposed use.

(D) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the Director an annual report that documents milestones, successes, problems, and contingency actions.

(7) Rare Plant Buffer Zones

(a) A 200-foot buffer zone shall be maintained around rare plants. Buffer areas shall remain in an undisturbed, natural condition.

(b) Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, man-made features, or natural plant habitat boundaries negate the need for a 200-foot radius. Under no circumstances shall the buffer zone be less than 25 feet.

(c) Requests to reduce buffer areas shall be considered if a professional botanist or plant ecologist hired by the project applicant:

(A) Identifies the precise location of the rare plants,

(B) Describes the biology of the rare plants, and
(C) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.

All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.

(d) The Director shall submit all requests to reduce rare plant buffer areas to the Oregon Biodiversity Information Center. The Biodiversity Information Center staff will have 20 days from the date that such a request is mailed to submit written comments to the Director.

The Director shall record and address any written comments submitted by the Oregon Natural Heritage Program in the development review order.

Based on the comments from the Oregon Biodiversity Information Center, the Director will make a final decision on whether the reduced buffer area is justified. If the final decision contradicts the comments submitted by the Biodiversity Information Center staff, the Director shall justify how the opposing conclusion was reached.

(8) Practicable Alternative Test (GMA/SMA)

(a) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

(b) A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

(A) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife areas and sites, or plant areas and sites.

(B) The basic purpose of the use cannot be accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife areas and sites, or plant areas and sites.

(C) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use.
Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.
A. SMA Natural Resource Review Criteria

(1) All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. **Cumulative effects analysis is not required for expedited review uses or development.** Comments from state and federal agencies shall be carefully considered. (Site plans are described in Section 080).

(2) Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

(a) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in subsections (B)(i) and (ii) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

(A) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

(B) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

(i) A minimum 200-foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

(ii) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

(iii) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

(I) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.
(II) The wetland is not critical habitat.

(III) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(C) The buffer width shall be increased for the following:

(i) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(ii) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(iii) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(D) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(E) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the rare wildlife/plant or water resource, (2) describes the biology of the rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(F) The Planning Director shall submit all requests to re-configure rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be
included in the project file. Based on the comments from the state and federal agencies, the Planning Director will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the Planning Director shall justify how the opposing conclusion was reached.

(b) When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

c) The applicant shall be responsible for identifying all water resources and their appropriate buffers. (see above)

d) Wetlands Boundaries shall be delineated using the following:

(A) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

(B) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(C) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the 1987 Corps of Engineers Wetland Delineation Manual (on-line Edition) and applicable regional supplements.

(D) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

e) Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

(f) The Planning Director may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the Planning Director shall obtain professional services, at the project applicant's expense, or ask for technical assistance from the Forest Service to render a final delineation.
Buffer zones shall be undisturbed unless the following criteria have been satisfied:

(A) The proposed use must have no practicable alternative as determined by the practicable alternative test. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas or their buffer zone.

(B) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

(i) A documented public safety hazard exists or a restoration/enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and

(ii) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and

(iii) The proposed project minimizes the impacts to the wetland.

(C) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a SMA mitigation plan.

(h) Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

(3) Wildlife and Plants

(a) Protection of wildlife/plant areas and sites shall begin when proposed new development or uses are within 1000 feet of a rare wildlife or rare plant area or site.

Rare Wildlife Areas and endemic plants are those areas depicted in wildlife data and listed in the Management Plan including all Priority Habitats listed in this Chapter. The approximate locations of rare wildlife and rare plant areas and sites are shown in wildlife and rare plant data.
Updated lists of sensitive wildlife sites and plant species can be found on the websites for the Wildlife Division of Oregon Department of Fish and Wildlife and the Oregon Biodiversity Information Center. A list also is maintained by the USDA Forest Service – Scenic Area Office and available on the Gorge Commission website.

(b) The Planning Director shall submit site plans (of uses or development proposed within 1,000 feet of a rare wildlife or rare plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon Biodiversity Information Center for plant issues).

(c) The Forest Service wildlife biologists and botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(A) Identify/verify the precise location of the wildlife or plant area or site,

(B) Determine if a field survey will be required,

(C) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife and plant area or site. This would include considering the time of year when wildlife and plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season. Cumulative effects that adverse shall be prohibited.

(D) Delineate the undisturbed 200 foot buffer on the site plan for rare plants or the appropriate buffer for rare wildlife areas or sites, including nesting, roosting and perching sites.

(i) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
(ii) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the rare wildlife/plant or water resource, (2) describes the biology of the rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long term function.

(iii) The Planning Director shall submit all requests to re-configure rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the Planning Director will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the Planning Director shall justify how the opposing conclusion was reached.

(d) The Planning Director, in consultation with the state and federal wildlife biologists and botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development or uses do not compromise the integrity and function of or result in adverse effects to the wildlife and plant area or site:

(A) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry management guidelines for osprey and great blue heron; the Washington Department of Fish and Wildlife guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander.

(B) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(C) Historic, current, and proposed uses in the vicinity of the rare wildlife/plant area or site.

(D) Existing condition of the wildlife/plant area or site and the surrounding habitat of the area or site.
(E) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(F) The site plan is consistent with published guidance documents such as "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2008).

(G) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(H) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(I) Maintain, protect, and enhance the integrity and function of Priority Habitats as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

<table>
<thead>
<tr>
<th>Priority Habitats</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspen stands</td>
<td>High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.</td>
</tr>
<tr>
<td>Caves</td>
<td>Significant wildlife breeding habitat, limited availability, dependent species.</td>
</tr>
<tr>
<td>Old-growth forest</td>
<td>High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.</td>
</tr>
<tr>
<td>Oregon white oak woodlands</td>
<td>Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.</td>
</tr>
<tr>
<td>Prairies and steppe</td>
<td>Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.</td>
</tr>
<tr>
<td>Riparian</td>
<td>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</td>
</tr>
<tr>
<td>Habitat</td>
<td>Characteristics</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Wetlands</td>
<td>High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.</td>
</tr>
<tr>
<td>Snags and logs</td>
<td>High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.</td>
</tr>
<tr>
<td>Talus</td>
<td>Limited availability, unique and dependent species, high vulnerability.</td>
</tr>
<tr>
<td>Cliffs</td>
<td>Significant breeding habitat, limited availability, dependent species.</td>
</tr>
<tr>
<td>Dunes</td>
<td>Unique species habitat, limited availability, high vulnerability, dependent species.</td>
</tr>
<tr>
<td>Winter Range</td>
<td>Provides important wintering habitat for deer and elk.</td>
</tr>
</tbody>
</table>

Priority Habitats are defined by the Forest Service and state wildlife agencies through State Wildlife Action Plan efforts.

(e) The wildlife/plant protection process may terminate if the Planning Director, in consultation with the Forest Service and state wildlife agency or heritage program, determines (1) the rare wildlife area or site is not active, or (2) the proposed use is not within the buffer zones or would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the final decision and the wildlife/plant protection process may conclude.

(f) If the above measures fail to eliminate the adverse effects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

(g) The Planning Director shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The Planning Director shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in the final decision.

Based on the comments from the state and federal wildlife agency/heritage program, the Planning Director shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the Planning Director shall justify how the opposing conclusion was reached.
(h) The Planning Director shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a rare wildlife/plant area or site.

(i) Proposed uses and development within 1,000 feet of sensitive wildlife areas and sites or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

(4) Soil Productivity

(a) Soil productivity shall be protected using the following guidelines:

(A) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(B) New developments and land uses shall control all soil movement within the area shown on the site plan.

(C) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(D) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

B. Practicable Alternative Test (GMA/SMA)

(1) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

(a) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, or wildlife or plant areas or sites.

(b) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, or wildlife or plant areas or sites.
(c) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

C. SMA Mitigation Plans

(1) Mitigation Plan shall be prepared when:

(a) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, or wildlife or plant areas or sites).

(b) There is no practicable alternative (see the “practicable alternative” test).

(2) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

(3) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified water resources, and rare wildlife/plant areas and sites, that maximizes development options, and that mitigates, through restoration, enhancement, creation, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and buffer zones.

(4) The applicant shall submit the mitigation plan to the Planning Director. The Planning Director shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the Planning Director shall justify how he/she reached an opposing conclusion.

(5) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

(6) Mitigation plans shall include maps, photographs, and text. The text shall:

(a) Describe the biology and function of the protected resources (e.g. Wildlife/plant species or wetland) that will be affected by a proposed use. An ecological assessment of the protected resource and the condition of the resource that will result after restoration shall be required. Reference published protection and management guidelines.
(b) Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the protected resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

(c) Explain the techniques that will be used to protect the protected resources and their surrounding habitat that will not be altered (for example, delineation of core habitat of the rare wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

(d) Show how restoration, enhancement, and creation measures will be applied to ensure that the proposed use results in minimum feasible impacts to protected resources, their buffer zones, and associated habitats.

(e) Show how the proposed restoration, enhancement, or creation mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a protected resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

(7) At a minimum, a project applicant shall provide to the Planning Director a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

(8) A final monitoring report shall be submitted to the Planning Director for review upon completion of the restoration, enhancement, created, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any rare wildlife/plant species and shall demonstrate the success of restoration or enhancement actions. The Planning Director shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the Planning Director in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

(9) Mitigation measures to offset impacts to resources or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:
(a) Restoration and enhancement efforts shall be completed no later than one year after the protected resource or buffer zone has been altered, or as soon thereafter as is practicable.

(b) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings shall be with native plant species that replicate the original vegetation community.

(c) Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.

(d) If this standard is not feasible or practical because of technical constraints, a protected resource of equal or greater benefit may be substituted, provided that no net loss of protected resource functions occurs and provided the Planning Director, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.

(e) Rare plants that will be altered shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

(f) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(A) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(B) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the Practical Alternative Test.
(C) Fish passage shall be protected from obstruction.

(D) Restoration of fish passage should occur wherever possible.

(E) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(F) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-Sectional profile, and gradient.

(G) Those portions of a proposed use that are not water-dependent or that have a practicable alternative shall be located outside of stream, pond, and lake buffer zones.

(H) Streambank and shoreline stability shall be maintained or restored with natural revegetation.

(I) The size of restored, enhanced, and created wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered.

   Restoration: 2: 1
   Creation: 3: 1
   Enhancement: 4: 1

(g) Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the local government to ensure compliance. The Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help evaluate such reports and any subsequent activities associated with compliance.

(h) Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land
trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in guideline 600(C)(9)(f)(I). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.
610. General Management Area Recreation Resource Review Criteria

Each Recreation Intensity Class includes a description of the desired social, physical and managerial setting for recreation development within each Recreation Intensity Class. Each Recreation Intensity Class also includes a list of allowable uses, subject to compliance with the “Facility Design Guidelines For GMA and SMA Recreation Projects” (Section 610(7)):

(1) Recreation Intensity Class 1 - Very Low Intensity

Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

The following uses may be permitted:

(a) Parking areas, not to exceed a site-wide capacity of 10 vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(b) Trails for hiking, equestrian and mountain biking use.

(c) Pathways for pedestrian and bicycling use.

(d) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

(e) Scenic viewpoints and overlooks.

(f) Wildlife/botanical viewing and nature study areas.

(g) River access areas.
(h) Boat docks, piers or wharfs.

(i) Picnic areas.

(j) Rest-rooms/comfort facilities.

(2) Recreation Intensity Class 2 - Low Intensity

Social Setting: Recreation Intensity Class 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.

Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.

Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

The following uses may be permitted:

(a) All uses permitted in Recreation Intensity Class 1.

(b) Parking areas not to exceed a site-wide capacity of 25 vehicles, when associated with any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units shall be included in this number.

Accommodations for mass transportation facilities should be considered where compatible with the social and physical setting.

(c) Boat ramps, not to exceed two lanes.

(d) Campgrounds for 20 units or less, tent sites only.

(3) Recreation Intensity Class 3 - Moderate Intensity

Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge
or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

The following uses may be permitted.

(a) All uses permitted in Recreation Intensity Classes 1 and 2.

(b) Parking areas not to exceed a site-wide capacity of 75 vehicles, when associated with any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units shall be included in this number.

(c) Facility accommodations for mass transportation (bus parking, etc) shall be required for all new Recreation intensity Class 3 day-use recreation sites, and improvements to Existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(d) Boat ramps, not to exceed three lanes.

(e) Concessions stands, pursuant to applicable policies in Chapter 4, Part I of the Management Plan.

(f) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

(4) Recreation Intensity Class 4 - High Intensity

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors.
There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.

The maximum site design capacity for parking areas shall not exceed 250 vehicles for any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units are to be included in this number.

Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

The following uses may be permitted:

(a) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

(b) Parking areas, not to exceed a side-wide capacity of 250 vehicles, including spaces for campground units, for any allowed uses in Recreation Intensity Class 4.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominately devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(d) Horseback riding stables and associated facilities.

(e) Boat ramps.

(f) Campgrounds for 175 individual units or less for tents or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

(5) Approval Criteria for Recreation Uses
All proposed recreation projects outside of the Public Recreation designation shall comply with the appropriate scenic, cultural, natural and recreation resources guidelines Sections 520 through 620 and shall satisfy the following:

(a) Cumulative effects of proposed recreation projects on Landscape Settings shall be based on the "compatible recreation use" guideline for the Landscape Setting in which the use is located.

(b) For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland:

   (A) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and site conditions.

   (B) A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.

(c) For proposed projects including facilities for outdoor fires for cooking or other purposes or proposed campgrounds:

   The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the rural fire protection district) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility’s emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities. In addition, in order to provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

(d) Trail or trailhead projects shall comply with applicable trails policies in the Management Plan, as follows:

   (A) Where applicable, new trails should incorporate existing segments of older or historic trails, abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.
(B) Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.

(C) Applications for new trails and trailheads shall include measures to minimize the potential spread of noxious weeds.

(D) Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in developing the physical and managerial setting of the site.

(e) For proposed projects providing recreation access to the Columbia River or its tributaries: applicants shall demonstrate that the new facility is consistent with and does not affect or modify tribal treaty rights.

(f) For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries: compliance with the guidelines in Part IV, Chapter 3, Tribal Treaty Rights and Consultation in the Management Plan.

(g) For proposed projects which include interpretation of natural or cultural resources:

A demonstration that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

(h) Applications for public recreation development in Recreation Intensity Classes 3 and 4 shall demonstrate how the proposed recreation development will be equitable and accessible (regardless of income level, ethnicity, gender, ability, or age.) Applications for public recreation developments in RIC 1 and 2 shall meet this standard to the maximum extent practicable.

(i) Applications shall demonstrate compliance with the social, physical, and managerial setting characteristics in the applicable Recreation Intensity Class description.

(6) Variances and Plan Amendments

(a) A variance to the setback and buffer requirements contained in this chapter may be granted pursuant to the requirements of Section 150(2)(c) and (d).

(7) Facility Design Guidelines for All Recreation Projects
(a) Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the guidelines contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses or facilities.

(b) The facility design guidelines contained herein are intended to apply to individual recreation facilities.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

(c) Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be used to satisfy requirements for perimeter and interior landscaped buffers.

(d) Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

(e) Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.

(f) Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.

(g) Signs shall be limited to those necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

(h) Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the Director may allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.

(i) A majority of trees, shrubs and other plants in landscaped areas shall be species native to the Landscape Setting in which they occur (Landscape Setting design guidelines specify lists of appropriate species). Project
applicants that are required to use new landscaping are encouraged to place trees, shrubs, and other plants in a manner approximating their natural condition.

(j) Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.

(k) Grading or soil compaction within the drip line of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

(l) Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape guidelines contained herein, and shall be responsible for such maintenance and survival.

(m) All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
620. Special Management Area Recreation Resource Review Criteria

(1) The following shall apply to all new recreation developments and land uses in the Special Management Area.

(a) New development and land uses shall not displace existing recreational use.

(b) Recreation resources shall be protected from adverse effects by evaluating new development and land uses as proposed in the site plan. An analysis of both on and offsite cumulative effects shall be required.

(c) New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

(d) Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

(e) The Facility Design Guidelines are intended to apply to individual recreation facilities. Recreation development or improvements to be considered a separate facility from other development or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads).

(f) New development and reconstruction of scenic routes shall include provisions for bicycle lanes.

(g) The Director may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

   (A) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

   (B) The proposed use is dependent on resources present at the site.

   (C) Reasonable alternative sites, including those in urban areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

   (D) The proposed use is consistent with the goals, objectives, and policies in the Management Plan.
(E) Through site design and mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(F) Through site design and/or mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

(2) Special Management Areas Recreation Intensity Class Guidelines

Each Recreation Intensity Class includes a description of the desired social, physical and managerial setting for recreation development within each Recreation Intensity Class. Each Recreation Intensity Class also includes a list of allowable uses, subject to compliance with the “Facility Design Guidelines For GMA and SMA Recreation Projects” (Section 610(7)).

(a) Recreation Intensity Class 1 - Very Low Intensity:

Emphasis is to provide opportunities for semi-primitive recreation opportunities.

(A) Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.

(B) Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

(C) Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

(D) The maximum design capacity for parking areas shall be 10 vehicles.

(E) The following uses may be permitted:

(i) Trails and trailheads.
(ii) Parking areas.

(iii) Dispersed campsites accessible only by a trail.

(iv) Viewpoints and overlooks.

(v) Picnic areas.

(vi) Signs.

(vii) Interpretive exhibits and displays.

(viii) Restrooms.

(xi) Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(b) Recreation Intensity Class 2 - Low Intensity

(A) Social Setting: Recreational Intensity Class 2 is characterized by opportunities to experience relaxation, physical fitness, and outdoor learning and where there is a moderate probability to experience solitude. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads. Unusually moderate to high near (within 1 mile) recreation sites and roads.

(B) Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

(C) Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.

(D) The maximum design capacity shall be 25 vehicles.

(E) All uses permitted in Recreation Intensity Class 1 are permitted in Recreation Intensity Class 2. The following uses may also be permitted:

(i) Campground for twenty (20) units or fewer, tent sites only.
(ii) Boat anchorages designed for no more than 10 boats at one time.

(iii) Swimming areas.

(iv) Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

(c) Recreation Intensity Class 3 - Moderate Intensity:

(A) Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

(B) Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

(C) Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

(D) Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.

(E) The maximum design capacity shall be 50 vehicles. The General Management vehicle capacity level of 75 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10 percent of the site.

(F) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site except for sites predominantly devoted to boat access. The number and size of the mass Transportation facilities shall reflect the physical capacity of the site.

(G) All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Recreation Intensity Class 3. The following uses may also be permitted:
(i) Campgrounds improvement may include water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.

(ii) Boat anchorages designed for not more than 15 boats.

(iii) Public visitor, interpretive, historic, and environmental education facilities.

(iv) Full service rest-rooms, may include showers.

(v) Boat ramps.

(vi) Riding stables.

(d) Recreation Intensity Class 4 - High Intensity:

(A) Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

(B) Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

(C) Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

(D) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(E) The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.
(F) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

(G) All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4. The following uses may also be permitted:

(i) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.
635. Enforcement

(1) Failure to comply with provisions in this Ordinance, including any conditions of approval will require the County, through the Planning and Community Development Department, to seek enforcement.

(2) Violation of the NSA Ordinance will be processed pursuant to applicable provisions in Article 1, Sections 1.130 through 1.150 of the Hood River County Zoning Ordinance.

(3) In addition to any penalty assessed by Hood River County, Congress authorized the Columbia River Gorge Commission to assess a civil penalty in order to prevent violation of provisions of this Ordinance. The penalty may not exceed $10,000 per violation.
### Section 640. Notice of Application Requirements

<table>
<thead>
<tr>
<th>STEP 1:</th>
<th>Send notice of application to:</th>
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<tbody>
<tr>
<td>All Expedited Review Uses</td>
<td>Tribes, USFS Gorge Commission</td>
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<tr>
<td>All Full Review Uses</td>
<td>Tribes, USFS Gorge Commission</td>
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<th>STEP 2:</th>
<th>Additionally send to:</th>
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<tr>
<td><strong>• Single family dwellings in the GMA Residential Land Use Designation adjacent to GMA Agriculture or Forest Land Use Designations; • Commercial events and special uses in historic buildings adjacent to GMA Agriculture or Forest Land Use Designations; • Non-farm single family dwellings in the GMA Large-Scale Agriculture Land Use Designation; • Within GMA Forest Land Use Designations: utility facilities, railroads, home occupations, fruit &amp; produce stands, wineries, wine sales/tasting rooms, ag. product processing and packaging, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non-profit camps/retreats/conference centers, B&amp;Bs, non-profit learning/research facilities, fish processing operations, road spoils disposal sites</strong></td>
<td>Landowners within 500 feet</td>
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| All other Full and Expedited Review Uses | Landowners within 200 feet |

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<tr>
<th>STEP 3:</th>
<th>Additionally send to:</th>
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<tr>
<td>All Full and Expedited Review Uses within 1000 feet of a sensitive wildlife area or site</td>
<td>State Department of Wildlife</td>
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<tr>
<td>All Full and Expedited Review Uses within 1000 feet of a rare plant</td>
<td>State Natural Heritage Program</td>
</tr>
<tr>
<td>All Full and Expedited Review Uses within Agriculture-Special Land Use Designation</td>
<td>State Natural Heritage Program</td>
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</tbody>
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