

# Article 1 - Introductory Provisions & Definitions

## **ARTICLE 1 – INTRODUCTORY PROVISIONS**

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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:

### **Resource Zone Classifications**

Exclusive Farm Use Zone  
Forest Zone  
Primary Forest Zone

### **Abbreviated Designation**

EFU  
F-1  
F-2

### **Other Zone Classifications**

Airport Development Zone  
Commercial Zone  
Industrial Zone  
Light Industrial Zone  
Mt. Hood Unincorporated Community Commercial Zone  
Natural Area Zone  
Residential Zone  
Rural Center Zone  
Rural Residential Zone  
Rural Unincorporated Community Commercial Zone  
Surface Mining Zone

### **Abbreviated Designation**

AD  
C-1  
M-1  
M-2  
MH-C1  
NA  
R-1  
RC  
RR  
RUC-1  
SM

### **Overlay Zones**

Airport Height Combining Overlay Zone  
Airport Noise Overlay Zone  
Environmental Protection Overlay Zone  
Floodplain Overlay Zone  
Geologic Hazard Overlay Zone  
Health Hazard Overlay Zone  
Historic Preservation Overlay Zone  
Interchange Area Management Plan

### **Abbreviated Designation**

AH  
AN  
EP  
FP  
GH  
HH  
HP  
IAMP

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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.

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### **Section 1.130 – Extensions, Enforcement / Revocation<sup>1</sup>**

- 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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<sup>1</sup> 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.
3. Single Family Dwelling: A detached building containing one dwelling unit.

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.

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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.

## Article 1 - Introductory Provisions & Definitions

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.

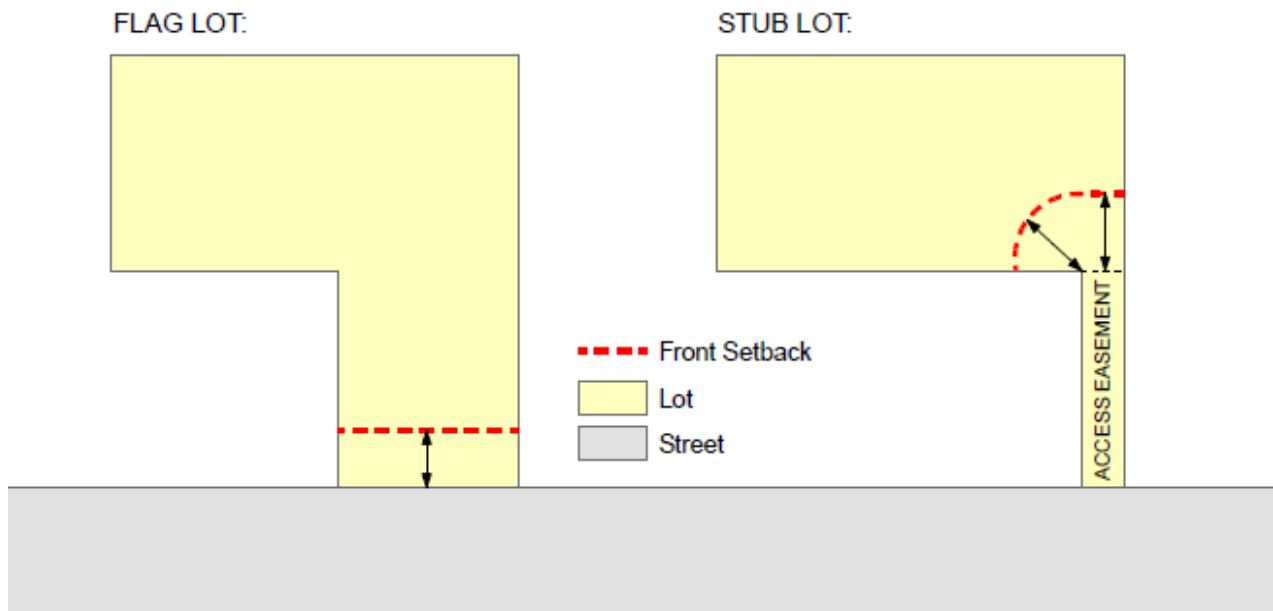
LOT, DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

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.

## **Article 1 - Introductory Provisions & Definitions**

**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

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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.