ARTICLE 4. USE ZONES

SECTION 4.010 A-D AIRPORT DEVELOPMENT ZONE

In an A-D Zone, the following regulations shall apply:

A. USES PERMITTED  In an A-D Zone, the following uses and their accessory uses are permitted subject to site plan review:

1. Airport;

2. Farm use, excluding livestock feed or sales yard, and excepting those uses set forth in Subsection (C) of this section;

3. Cemetery;

4. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities;

5. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way;

6. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation;

7. Landscaping as part of a transportation facility;

8. Emergency measures necessary for the safety and protection of property;

9. 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 Zones.

B. PERMITTED COMMERCIAL AND RECREATIONAL AIRPORT USES AT NON-TOWERED AIRPORTS SUBJECT TO SITE PLAN REVIEW.

Within airport boundaries established pursuant to Land Conservation and Development Commission rules, the following uses and activities are permitted:

1. Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;

2. Emergency medical flight services;

3. Law enforcement and firefighting activities;
4. Flight instruction;

5. Aircraft service, maintenance and training;

6. Crop dusting and other agricultural activities;

7. Air passenger and air freight services at levels consistent with the classification and needs identified in the State Aviation System Plan;

8. Aircraft rental;

9. Aircraft sales and sale of aeronautic equipment and supplies;

10. Aeronautic recreational and sporting activities.

C. **CONDITIONAL USES.** In an A-D Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of this section and Article 7 of this ordinance:

1. Farm accessory buildings and uses;

2. Mining, quarrying or other extraction activity, including the process or refining of ore or other raw materials, per Use Limitations;

3. Utility facility necessary for public service;

4. Golf course;

5. Park, playground, other public recreation site or facility, or community service facility owned and operated by a governmental agency or nonprofit community organization;

6. Veterinary clinic, animal pound, or kennel;

7. Private or public grounds, and buildings for games, sports, riding arenas, race tracks, and similar activities;

8. Manufacturing and warehousing;

9. Traveler’s accommodations facilities;

10. Retail and wholesale trade facilities;

11. Restricted residential use including mobile homes and development therefore;

12. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (a) Not improvements designated in the Transportation System Plan or (b) Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Such transportation
projects shall comply with the Transportation System Plan and applicable standards, and shall address the standards governing conditional uses specified in Section 7.020. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the standards governing conditional use;

13. **Construction of rest areas, weigh stations, temporary storage, and processing sites.**

14. **Marijuana production**, approval also subject to Marijuana Business standards contained in Article 8.

D. **USE LIMITATIONS.** In an A-D Zone, the following limitations and standards shall apply to all uses permitted:

1. All uses shall only be permitted if found to be in compliance with the Airport Master Plan and the standards, criteria and guidelines thereof.

2. The height of any structure or part of a structure such as chimneys, towers, antennas, etc., shall be limited according to requirements established by the County or any governmental agency relative to uses in the vicinity of an airport, but in no case shall any building or structure exceed 25 feet.

3. In airport approach zones beyond the clear zone areas, no meeting place for public use or private purposes, which are designed to accommodate more than 25 persons at any one time, shall be permitted, nor shall any residential use be permitted.

4. All parking demand created by any use permitted by this section shall be accommodated on the subject premises entirely off-street.

5. No use permitted by this section shall require the backing of traffic onto a public or private street or road right-of-way to accommodate ingress or egress to any use on the premises thereof.

6. There shall not be more than one ingress and one egress from properties accommodating uses permitted by this section per each 600 feet of frontage on an arterial or per each 600 feet of frontage on a collector. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.

7. No use permitted under the provisions of this section that generates more than 30 auto-truck trips during the busiest hour of the day to and from the premises shall be permitted unless served directly by an arterial or collector, or other improved street or road designed to serve such types of uses, and in no case shall such traffic be permitted to utilize a street or road which passes through a residential use area.

8. Any use permitted under the provisions of this section that is determined to be incompatible with an existing use adjacent thereto or across the street from shall be screened from such incompatible uses by densely planted shrubs or sight-obscuring fencing.
9. Mining or quarry operation permitted by Subsection (C)(2) of this section may not be permitted if such use will allow or cause ponding which is likely to attract birds.

10. No use permitted by Subsection (C) of this section shall permit any power lines to be located in clear zones and any power lines located within an approach slope ratio.

11. No use permitted by this section shall be allowed if such use is likely to attract an unusual quantity of birds, particularly birds which are normally considered high flight.

12. No structure or object shall be erected, altered, allowed to grow or be maintained in such a manner as to penetrate any of the imaginary surfaces identified for the applicable Airport.

E. DIMENSIONAL STANDARDS. In an A-D Zone, the following dimensional standards shall apply:

1. The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading requirements, lot coverage limitations, and as deemed necessary by the Planning Director to maintain air, land and water resource quality, to protect adjoining and area land uses, to insure resource carrying capacities are not exceeded and, more specifically, to protect the airport; except that residential lot size standards shall comply:

   a. Front Yard setback 45 feet from street centerline, or minimum 15 feet from front property line.

   b. Rear Yard setback minimum 5 feet from rear yard property line.

   c. Side Yard setback minimum 5 feet from side yard property line.

   d. Corner lots, structures must be 15 feet from side yard property line and 50 feet back from front property line, and then from 50 feet on back, may reduce to 5-foot minimum setback from side property line.

2. All dwellings and accessory structures must be detached a minimum of 5 feet or more.

3. Accessory structures cannot exceed one (1) story in height, nor 450 square feet in size.

4. No residential use permitted by this section shall exceed 35 percent of lot coverage by buildings and accessory structures.

5. No nonresidential use permitted by this section shall exceed more coverage than 64 percent of the land area designed for such use, including buildings, storage and loading areas:

   a. Frontage setback for nonresidential use shall not be less than 50 feet.
b. Side setback for nonresidential use shall not be less than 8 feet minimum from side property line.

c. Rear setback for nonresidential use shall not be less than 8 feet minimum from rear property line.

F. **SIGN LIMITATIONS.** In addition to standards set forth by this ordinance, the following sign limitations shall apply:

1. For any use permitted by this section, the total area of all signs shall not exceed 200 square feet, no free-standing sign shall exceed 80 square feet and a height of 20 feet, no sign exceeding 50 square feet of area and 6 feet in height shall be located upon the roof of any building, no sign shall exceed 15 percent of the area of the wall it is attached to, no sign shall be closer than 20 feet to a principal highway or major County road, no sign shall flash or move or be illuminated between the hours of 11:00 p.m. and 7:00 a.m., nor located in such a manner as to face directly, shine or reflect glare onto a lot, except as approved by the Planning Commission.

G. **OFF-STREET PARKING AND LOADING.** In an A-D Zone, off-street parking and loading shall be provided in accordance with the provisions of this Section 8.100 of this ordinance.

H. **SITE DESIGN.** In an A-D Zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement, so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use. The State of Oregon, Aeronautics Division and F.A.A. shall be included as reviewing “affected parties” for use applications in this Zone.

I. **DESIGN AND CRITERIA.** In the consideration of an application for a proposed use in an A-D Zone, the Planning Director shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the Planning Director shall find that:

1. The proposal is in compliance with the applicable State and Federal Aviation Compatibility guidelines;

2. The proposal is in compliance with the Comprehensive Land Use Plan and the Airport Master Plan;

3. The proposal is in compliance with the intent and provisions of this ordinance and more particularly this section;

4. The Planning Director may require establishment and maintenance of screenings, the use of glare-resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce hazards to airport operations;
5. The proposal is in compliance with the noise contour considered satisfactory for land use compatibility. The present noise contour projected through year 2000 is 55 LDN and is considered satisfactory for land use compatibility, with no special noise insulation requirements for new construction.
SECTION 4.020 EFU EXCLUSIVE FARM USE

In an EFU Zone, the following regulations shall apply:

A. **HIGH VALUE FARMLAND.** Due to the limited amount of High Value Farmland in Gilliam County, the uses for High Value Farmland are not listed in this section. If a use permitted in Subsections B – G of this section is located on High Value Farmland, the requirements of this section and the requirements of OAR 660, Division 33, shall be used for the review.

B. **USES PERMITTED.** In an EFU Zone, the following uses and their accessory uses are permitted subject to site plan review. These uses do not require land use approval. While some uses may prompt an inquiry to, and/or action by, the Planning Director, authorization of such uses does not require notice to adjacent property owners or other interested parties and does not constitute a land use decision pursuant to ORS 197.015(10).

1. **Farm Use.** As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, included but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees, as defined in ORS 215.203(3) or land described in ORS 321.267(1)(e) or 321.415(5). [ORS 215.203(2)(a)]

2. **Operations for the exploration for and production of geothermal resources** as defined by ORS 522.005 and oil and gas as defined in ORS 520.005, including the placement and operation of compressors, separators and other customary 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).

3. **The propagation or harvesting of a forest product.**

4. **Climbing and passing lanes** within the right-of-way existing as of July 1, 1987.

5. **Temporary public roads or detours** that will be abandoned and restored to original condition or use at such time as no longer needed.

6. **Operations for the exploration for minerals** as defined by ORS 517.750.
7. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations and rest areas within the 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.

8. An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period.

9. Creation, restoration or enhancement of wetlands.

10. Other buildings customarily provided in conjunction with farm use.

11. A winery as described in ORS 215.452.

12. Fire service facilities providing rural fire protection services.

13. Irrigation canals, delivery lines and those structures and necessary operational facilities associated with a district as defined in ORS 540.505.

14. 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.

15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory and the National Inventory of Historic Places as a historic property as defined in ORS 358.480.

   a. The County shall require as a condition of approval 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.

16. Utility facility service lines.

17. Land application of reclaimed water, agricultural or industrial water or biosolids.

18. Onsite filming and activities accessory to onsite filming for 45 days or less as provided in ORS 215.306.

19. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources approved through the process set forth in OAR 660-023-0180 (3), (7), (8) and (9), subject to ORS 215.298.
20. Processing as defined by ORS 517.750, of aggregate into asphalt or Portland cement if the site has approved through OAR 660-023-0180 (3), (7), (8) and (9), subject to ORS 215.298.

21. Wind measurement devices.

22. Marijuana Production and Processing, approval also subject to Marijuana Business standards contained in Article 8.

C. PLANNING DIRECTOR REVIEW. In the EFU zone, the following uses and their accessory uses may be permitted if determined by the Planning Director to satisfy the applicable criteria and provisions of law. Authorization of these uses does constitute a land use decision pursuant to ORS 197.015(10). Notice and an opportunity for a hearing must be provided in the manner described in Section 11.140. These uses may be referred to the Planning Commission for review if deemed appropriate by the Planning Director.

1. Dwellings provided in conjunction with farm use pursuant to Section 4.020(E).

2. Accessory dwellings in conjunction with farm use pursuant to Section 4.020(F).

3. Dwellings not provided in conjunction with farm use pursuant to Section 4.020(G).

4. Schools, as defined in section 1.030.
   a. Existing facilities may be maintained, enhanced or expanded on the same tract subject to the review criteria of Section 4.020.H.

5. Churches and cemeteries in conjunction with churches consistent with ORS 215.441.
   a. Existing facilities may be maintained, enhanced or expanded on the same tract subject to the review criteria of Section 4.020.H.

6. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period that is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

7. Farm stands, if:
   a. The structures are designed and used for the sale of farm crops and livestock 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
the promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

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. A farm stand, used in conjunction with a marijuana crop, is not permitted.

8. A facility for the processing of farm crops. The processing facility must be located on a farm that provides at least one-quarter of the crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designed for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting a farm use. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. The County shall not approve any division of a lot or parcel that separates a processing facility from the farm operation on which it is located.

9. 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 pre-existed the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. As used in this paragraph, “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.

10. Room and board arrangements for a maximum of five unrelated persons in an existing residence.

a. Approval is subject to the review criteria of Section 4.020.H

b. The County shall require as a condition of approval 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.

11. Alteration, restoration or replacement of a lawfully established dwelling that:

a. Has intact exterior walls and roof structure;

b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

c. Has interior wiring for interior lights;
d. Has a heating system; and

e. In the case of replacement is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for Gilliam County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the County. The release shall be signed by the County or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The County Planning Director or the director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

f. The County shall require as a condition of approval 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.

12. **A wildlife habitat conservation and management plan** pursuant to former ORS 215.800 to 215.808.

13. **Temporary Workforce Housing:** Utility facilities necessary for public service and power generation facilities 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 OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to OAR 660-033-0130(5). 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.

14. **Golf Courses, as defined in Section 1.030.** Approval of this use is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law. New uses may not be established on high-value farmland. Existing facilities wholly within an exclusive farm use zone or zones and located on high-value farmland may be maintained, enhanced or expanded on the same tract, subject to other requirements of law but may not be expanded to include more than 36 total holes.

15. **A facility for the processing of farm crops or the production of biofuels** as defined in ORS 315.141.
16. **The propagation, cultivation, maintenance and harvesting of an aquatic or insect species.** Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The County shall provide notice of all applications under this section to the State Department of Agriculture. Notices shall be provided in accordance with the County’s land use regulations but shall be mailed at least 20 calendar days prior to the initial evidentiary hearing on the application. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

17. **The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.**

18. **Home occupations and parking of vehicles.** Home occupations shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located, and shall employ on the site no more that five full-time or part-time persons, as an accessory use within dwellings or other buildings referred to in ORS 15.203(2)(b)(F) or (G) as provided in ORS 215.448. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

19. **Dog kennels.**

20. **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.

21. **Construction of additional passing lanes** requiring the acquisition of right of way but not resulting in the creation of new land parcels.

22. **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.

23. **Transportation improvements on rural lands allowed by OAR 660-012-0065.**

24. **Utility facilities necessary for public service,** including 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.

25. **Onsite filming and activities accessory to onsite filming for more than 45 days** as provided for in ORS 215.306.

26. **A site for the takeoff and landing of model aircraft,** including such buildings or facilities as may reasonably be necessary.
27. Processing of other mineral resources and other subsurface resources.

D. CONDITIONAL USES PERMITTED. In the EFU Zone, the following uses and their accessory uses may be permitted, either by a Type I or a Type II Conditional Use Permit to satisfy the applicable criteria and procedures set forth in Section 7.010. The appropriate review criteria are identified for each use.

1. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under 215.203(2)(b)(L) or 215.283(1)(r) but not including the processing of farm crops as described in section 4.020.B.1. Approval of this use is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

2. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Department of Transportation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Transportation. Approval of this use is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

3. Operations conducted for the mining and processing of geothermal resources as defined in ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources and oil and gas as defined by ORS 520.005 not otherwise permitted under Subsection B.2 of this section; approval of any use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

4. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources approved through the process set forth in OAR 660-023-0185(4), (6), (8) and (9), subject to ORS 215.298. Approval of any use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

5. Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement if the site has been approved through OAR 660-023-0185(4). Approval of any use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

6. A site for the disposal of solid waste approved by the governing body of a City or County or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. Approval of this use is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law. New uses may not be
established on high-value farmland. Existing facilities wholly within an exclusive farm use zone or zones and located on high-value farmland may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

7. **Hunting and Fishing Preserves.** Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law. New uses may not be established on high-value farmland. Existing facilities wholly within an exclusive farm use zone or zones and located on high-value farmland may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

8. **Private Parks and Campgrounds.** 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. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. 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. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hookups shall not be provided to individual campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. 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 6-month period. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law. New uses may not be established on high-value farmland. Existing facilities wholly within an exclusive farm use zone or zones and located on high-value farmland may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

9. **Public Parks and Playgrounds.** A public park may be established consistent with the provision of ORS 195.120 and including only those uses specified under OAR 660-034-0035. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

10. **Community centers owned and operated by a government agency** or a nonprofit community organization and operated primarily by and for residents of the local rural community. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

11. **Commercial utility facilities** for the purpose of generating power for public use by sale, not including wind power generating facilities. A power generation facility not located on high-value farmland shall not preclude more than 20 acres from use as a commercial agricultural enterprise. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.
12. **One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building**, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident as defined in ORS Chapter 215. The manufactured 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 manufactured home will use a public sanitary sewer system, such condition will not be required. The governing body shall review the permit authorizing such manufactured homes every two years. 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 allowable nonresidential use. A temporary residence approved under this paragraph is not eligible for replacement under ORS 215.283(1)(p) or under Subsection C.10 of this Section. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

a. The County shall require as a condition of approval of a single-family dwelling under 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.

13. **Transmission Towers Over 200 Feet in Height**. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

14. **Residential homes as defined in ORS 197.660 in existing dwellings**. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

a. The County shall require as a condition of approval 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.

15. **Operations for the extraction and bottling of water**. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

16. **Utility facilities necessary for public service subject to the provisions of ORS 215.275 and OAR 660-033-0130(16)**. No local legislative criteria shall be applied for consideration of establishing a utility facility necessary for public service.

authority of the Energy Facility Siting Council in determining suitable sites for the issuance of site certificates for thermal power plants, as authorized under ORS 469.300 to 469.563, 469.590 to 469.619 and 469.930.

b. ORS 215.275 Utility facilities necessary for public service; criteria; mitigating impact of facility:

(1) A utility facility established under ORS 215.213(1)(d) or 215.2833(1)(d) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213(1)(d) or 215.283(1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use 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 or Federal agencies.

(3) Costs associated with any of the factors listed in Subsection (2) of this section 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. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.

(4) The owner of a utility facility approved under ORS 215.213(1)(d) or 215.283(1)(d) 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 section 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.
(5) The governing body of the County or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213(1)(d) or 215.283(1)(d) 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 the surrounding farmlands.

(6) The provisions of Subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

17. **Composting facilities** for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-096-0020. Composting facilities allowed under this section shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall be limited to those required for the operation of the subject facility. On-site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. New uses may not be established on high-value farmland. Existing facilities wholly within an exclusive farm use zone or zones and located on high-value farmland may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

18. **Living History Museum.** As used in this section, “living history museum” means a facility designed to depict and interpret everyday life and culture of some specific period using authentic buildings, tools, equipment and people to simulate past activities and events. A living history museum shall be related to resource-based activities and shall be owned and operated by a government agency or local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administrative building and parking lot are located within one quarter mile of an urban growth boundary. “Local historical society” means the local historical society, recognized as such by the County governing body and organized under ORS Chapter 65. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

19. **Expansion of existing County fairgrounds** and activities directly related to County fairgrounds governed by County fair boards established pursuant to ORS 565.210. Approval of a use pursuant to this subsection is subject to the review criteria of Section 4.020.H, and any other applicable criteria or provisions of law.

20. **Wind Power Generation Facilities** as commercial utility facilities for the purpose of generating power for public use by sale.

21. **Telecommunication Towers.**

E. **DWELLINGS PROVIDED IN CONJUNCTION WITH FARM USE.** In the EFU Zone, a dwelling in conjunction with farm use may be approved as set forth in Article 8, Section 8.130. *New dwellings used in conjunction with a marijuana crop are not permitted.*

F. **ACCESSORY DWELLINGS PROVIDED IN CONJUNCTION WITH FARM USE.** In the EFU Zone, an accessory dwelling may be provided in conjunction with an existing farm dwelling which may be approved subject to the following.

1. **General Accessory Farm Dwelling.** An accessory farm dwelling, which includes all types of residential structures allowed by the applicable State building code, may be considered customarily provided in conjunction with farm use if it meets all of 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 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; and

   b. The accessory farm dwelling will be located:

      (1) On the same lot or parcel as the primary farm dwelling; or

      (2) 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; or

      (3) 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 Clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under OAR 660-033-0130 and 4.020.E; and

      (4) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable State building codes or similar types of arm labor housing as existing farm labor housing on the farm operation 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 subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

      (5) 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 of at least 160 acres and the
lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable and Section 4.020.F.1.d; 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 and that could reasonably be used as an accessory farm dwelling; and

d. The primary farm dwelling is located on a farm operation that is not high-value farmland and is currently employed for farm use, as defined in ORS 215.203 that has produced $40,000 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, gross annual income of at least the midpoint of the income range of gross annual sales for farms in the county with a gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or the subject tract is high-value farmland and is currently employed for farm use, as defined in ORS 215.203, that has produced $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. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

e. It is located on a commercial dairy farm as defined by OAR 660-033-0135(8) and that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Section 4.020.F.1.d from the sale of fluid milk; and

(1) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(2) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and

(3) A Producers License for the sale of dairy products under ORS 621.072.

f. The County shall require as a condition of approval 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.

2. Accessory Farm Dwelling for a Relative. A dwelling on real property used for farm use if the dwelling is:

a. Located on the same lot or parcel as those terms are defined in ORS 92.010, as the dwelling of the farm operator; and
b. To qualify, a dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. 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, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

c. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel requirements under ORS 215.780 and Section 4.020.11, if the owner of the dwelling described in OAR 660-033-0130(9) obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the “home site,” as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the home site to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For purposes of this paragraph, “foreclosure” means only those foreclosures that do not meet the definition of partition under ORS 92.010(9)(a).

d. The County shall require as a condition of approval 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.

G. DWELLINGS NOT PROVIDED IN CONJUNCTION WITH FARM USE. In the EFU Zone, two types of dwellings not provided in conjunction with farm may be authorized.

1. Lot of Record. A dwelling not provided in conjunction with farm use may be approved on a preexisting lot or parcel if all of the following are satisfied:

   a. The lot or parcel on which the dwelling will be established was lawfully created and was acquired and owned continuously by the present owner:

      (1) Since prior to January 1, 1985, or

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

      (3) For the 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 a combination of these family members.

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

   c. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no other 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 provisions of the Gilliam County Comprehensive Plan and land use regulations and any other relevant provisions of law.

e. When the lot or parcel on which the dwelling will be sited lies within an area designated in the Gilliam County Comprehensive Plan as big game habitat, the siting of the dwelling shall be consistent with the Comprehensive Plan and land use regulations established to provide protection to the big game habitat resource.

f. 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.

g. The County Planning Department shall notify the County Assessor that they intend to approve the application.

h. The County shall require as a condition of approval 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.

i. When the County approves an application for a single-family dwelling under Section 4.020.G.1, the approval may be transferred by the person who qualified under this subsection to any other person after the effective date of the land use decision. Transfers occurring pursuant to this paragraph may occur one time and one time only.

2. **Nonfarm Dwelling.** A single-family residential dwelling, not provided in conjunction with farm use, may be established upon findings that each of the following review criteria has been satisfied:

a. 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;

b. The dwelling is situated upon a lot or parcel, or 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.

   (1) A lot or 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

   (2) A lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm, it is not “generally unsuitable.”
unsuitable.” A lot or parcel, or portion of a lot or parcel, is presumed suitable for farm use if it is predominantly composed of Class I-VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(3) If the lot or parcel is under forest assessment, the dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is 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 tract. 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 can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not “generally unsuitable.” A lot or parcel, or portion of a lot or parcel, under forest assessment is presumed suitable for farm use if it is predominantly composed of soils capable of producing 20 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 surrounding lands.

c. 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 overall land use pattern of the area, the County shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the County shall:

(1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area.

(2) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine potential number of nonfarm/lot-of-record dwellings that could be approved under this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger that the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4) and 4.020.I.2. The findings shall describe the existing land use pattern of the study area including the
distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this paragraph.

(3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

d. The dwelling complies with such other conditions as the County considers necessary.

e. The County shall require as a condition of approval 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.

f. The County shall not grant final approval of a nonfarm dwelling under this subsection on a lot or parcel that is, or has been, receiving special assessment without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at a value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.257 to 321.381, 321.730 or 312.815 and any additional tax imposed as the result of disqualification has been paid.

H. SPECIFIC REVIEW CRITERIA. In the EFU Zone, certain uses are subject to specific criteria, in addition to any other applicable criteria. The specific provisions of this subsection apply only when referenced within the list of uses included in Subsections 4.020.B, C and D.

1. The use may be approved only where the County finds that the use will not:

   a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

   b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

I. LAND DIVISIONS. In the EFU Zone, the County may authorize farm-related land divisions and nonfarm-related land divisions.

1. Farm-Related Land Divisions. New parcels of 160 acres or larger may be created for farm-related purposes.

2. Nonfarm-Related Land Divisions. New parcels, not less than 5 acres in size, may be created for the following nonfarm uses subject to the following standards:
a. **Nonfarm Dwellings.** Parcels for nonfarm dwellings may be created under the following circumstances.

(1) Lots and parcels smaller than 40 acres are not eligible for nonfarm dwelling land divisions.

(2) For lots or parcels between 40 acres and 160 acres, the County may approve a division of land in an EFU Zone to divide the lot or parcel into two parcels, each to contain a nonfarm dwelling if:

   (a) The nonfarm dwellings have been approved under Section 4.020.G.2; and

   (b) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and

   (c) The parcels for the nonfarm dwellings are not capable of producing more than 20 cubic feet per acre per year of merchantable wood fiber and are either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock; and

   (d) The parcels for the nonfarm dwellings do not have established water rights for irrigation; and

   (e) The parcels for the nonfarm dwellings, in their entirety, are found to be generally unsuitable for the production of farm crops and livestock or merchantable tree species pursuant to the provisions of 4.020.G.2.

(3) For lots and parcels larger than 160 acres, the County may approve a division of land in the EFU Zone to create up to two new parcels smaller than 160 acres, each to contain a nonfarm dwelling if:

   (a) The nonfarm dwellings have been approved under Section 4.020.G.2; and

   (b) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and

   (c) The remainder of the original lot or parcel that does not include the nonfarm dwellings is 160 acres or larger; and

   (d) The parcels for the nonfarm dwellings, in their entirety, are found to be generally unsuitable for the production of farm crops and livestock or merchantable tree species pursuant to the provisions of Section 4.020.G.2.

b. **Historic property.** The County may approve a proposed division of land to create a parcel with an existing dwelling to be used for historic property that meets the requirements of Section 4.020.D.34. and ORS 215.283(1)(o).
c. **Public parks.** The County may approve a proposed division of land 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; and
   - (b) May not be considered in approving or denying an application for siting any other dwelling; and
   - (c) May not be considered in approving a re-designation or rezoning of forestlands except for a re-designation 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:
     - i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection program; or
     - ii. 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.

**d. Churches.** The County may approve a division of land for the purpose of establishing a church, including a cemetery, in conjunction with a church approved under Section 4.020.C.5 provided:

1. The parcel created for the church is not larger than 5 acres; and

2. The remaining parcel, not including the church, meets the minimum parcel size either by itself or after it is consolidated with another lot or parcel.

e. **Other nonfarm uses.**

1. A land division for a nonfarm use other than those previously described in this section and that is listed in ORS 215.283(2) may result in the creation of a parcel less than the minimum parcel size. In order to approve a land division for a nonfarm use other than a dwelling, the County must find that the new nonfarm parcel is the minimum size needed to accommodate the use. Any remaining parcel continuing to qualify for farm use must be at least 160 acres.
J. **PROPERTY DEVELOPMENT STANDARDS.** In the EFU Zone, the following standards apply to residential and nonresidential development.

1. **Building Height.** No limitations.

2. **Setbacks**
   
   a. The front and rear yard setbacks from the property line shall be 25 feet.
   
   b. The side yard setbacks from the property line shall be 25 feet.
SECTION 4.030. R-C RURAL UNINCORPORATED COMMUNITY ZONE.

In an R-C Zone the following regulations shall apply:

A. USES PERMITTED OUTRIGHT. In the R-C zone the following uses and their accessory uses are permitted outright subject to site plan review.

   1. Farm use, excluding livestock feed yard or livestock sales yard.

   2. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

   3. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

   4. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

   5. Landscaping as part of a transportation facility.

   6. Measures necessary for emergency repair and preservation for the safety and protection of property.

   7. 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 zones.

   8. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. USES PERMITTED. In an R-C Zone, the following uses and their accessory uses are permitted when authorized by a zoning/development permit.

   1. Utility facility

   2. Television or radio station, transmitter or tower less than 200 feet in height.

   3. Single family residence

C. CONDITIONAL USES PERMITTED. Land and buildings in the R-C zone may be considered for the following uses and their accessory uses, subject to the standards and conditions attached to such use as provided by Sections 7.010 through 7.040, inclusive and when approved pursuant to the Type II Conditional Use Process.

   1. Residential homes.

   2. Agriculturally oriented commercial or industrial use.
3. Kennel or animal hospital.

4. Mining or other extractive use.

5. 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. Such transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the standards governing conditional uses specified in Section 7.020. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

   The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning;

   a. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;

   b. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features, and;

   c. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

   d. Construction of rest areas, weigh stations, temporary storage, and processing sites.

6. Marijuana Production and Processing, approval also subject to Marijuana Business standards contained in Article 8.

D. DIMENSIONAL STANDARDS. In the R-C Zone the following dimensional standards shall apply:

1. The minimum lot area for all residential uses shall be 5 acres. If at the date of this ordinance a lot or contiguous lots are less than five acres, then that lot or contiguous lots shall be treated the same as a 5 acre parcel.

2. The minimum lot area for all commercial or industrial uses shall be the maximum to accommodate the use.

3. All parcels shall be large enough to comply with DEQ subsurface sewage regulations.

4. No buildings shall be located closer than 45 feet to a street centerline.

5. Commercial uses shall not exceed 4,000 square feet.

6. Industrial uses shall not exceed 20,000 square feet.
SECTION 4.040 R-R RECREATION RESIDENTIAL ZONE (Transportation-Related Amendments Adopted by County Ordinance 98-03)

In an R-R Zone, the following regulations shall apply:

A. **USES PERMITTED OUTRIGHT.** In the R-R Zone, the following uses and their accessory uses are permitted outright subject to site plan review:

1. **Single-family residences,** including manufactured homes, meeting the requirements of Section 8.120 of this ordinance.

2. **Farm use,** subject to conditions and limitations provided herein; excepting marijuana production and processing which is not permitted.

3. **In the Original Townsite of Lonerock and Henshaw Addition** thereto, the following livestock limitations shall apply. The total number of livestock allowed on a property shall be limited to the open area, exclusive of buildings, divided by the total minimum area required for each animal listed below:

   a. One horse, cow, or swine per 10,000 square feet.

   b. One goat or sheep per 1,250 square feet.

   c. A minimum of 250 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

   d. The number of bee colonies allowed on a property shall be limited to one colony for each 2,500 square feet of area and shall not be located closer than 25 feet from any property line.

   e. Animals and fowl shall be properly caged, fenced or housed and proper sanitation shall be maintained.

4. **All building construction in excess of 120 square feet in size shall require an Oregon State building permit** except for agricultural buildings exempted by the State of Oregon.

5. **In addition, all building construction in excess of 120 square feet in size shall require a zoning permit** issued by the Planning Director for Gilliam County on behalf of the City of Lonerock.

4. **Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.**

5. **Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.**
6. **Projects specifically identified in the Transportation System Plan** as not requiring further land use regulation.

7. **Landscaping as part of a transportation facility.**

8. **Emergency measures necessary for the safety and protection of property.**

9. **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 Zone.

10. **Construction of a street or road as part of an approved subdivision or land partition** approved consistent with the applicable land division ordinance.

B. **CONDITIONAL USES PERMITTED.** Land and buildings may also be used as follows when approved pursuant to the Conditional Use Process.

1. **Utility facility necessary to serve the area.**

2. **Golf Course.**

3. **Church.**

4. **Park or playground.**

5. **Commercial residential use.**

6. **Public use buildings.**

7. **Community Center.**

8. **Accessory buildings closer than 10 feet to the property line.**

9. **Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:**

   a. Not improvements designated in the Transportation System Plan; or

   b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.

   Such transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the standards governing conditional uses specified in Section 7.020. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the standards governing conditional uses.

10. **Construction of rest areas, weigh stations, temporary storage, and processing sites.**
C. **LIMITATIONS ON CONDITIONAL USES.** In addition to the standards and conditions that may be attached to the approval of conditional uses as provided by Article 7, Sections 7.010 through 7.040, and Article 8, the following limitations shall apply to conditional uses in an R-R Zone:

1. The Planning Director may require establishment and maintenance of fire breaks, the use of fire-resistant materials in construction and landscaping or may attach other similar conditions or limitations that will serve to reduce fire hazards to and from the surrounding agricultural lands.

2. The Planning Director may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation in order to prevent erosion or pollution.

3. In approving a conditional use in an R-R Zone, the Planning Director shall be satisfied that the applicant is fully appraised of the County’s policy relative to development or maintenance of access improvements to recreation residential areas, and may attach the following as a condition of approval: “The granting of this permit in no way obligates Gilliam County to the provision, development, or maintenance of access, required or otherwise, to the property for which this permit is issued.”

D. **DIMENSIONAL STANDARDS.** In an R-R Zone, the following dimensional standards shall apply:

1. In the Original Townsite of Lonerock and the Henshaw Addition thereto, the minimum lot size shall be 5,000 square feet or as determined by the Oregon Department of Environmental Quality (DEQ) to be necessary for the protection of public sanitation.

2. In the unplatted areas of Lonerock, the minimum lot size shall be 10 acres.

3. In unplatted areas of the County in the RR Zone the minimum area shall be as determined by Oregon Department of Environmental Quality (DEQ) to be necessary for the protection of public sanitation.

E. **YARD SETBACK REQUIREMENTS.** In the R-R Zone, the minimum setback requirements for all buildings shall be as follows:

1. In the Original Townsite of Lonerock and the Henshaw Addition thereto, the front and rear yard setbacks from the property line shall be 15 feet. Each side yard setback from a property line shall be 10 feet.

2. In the unplatted areas of Lonerock and the County in the RR Zone, the minimum setback requirements shall be as follows:

   a. The front, rear, and side yard setbacks from the property line shall be 25 feet.

   b. Parcels or lots involving nonfarm residential use which are adjacent to farm use parcels shall observe the following minimum setback requirements:
(1) The front yard setback shall be 25 feet.

(2) The rear and side yard setbacks shall be 50 feet.
SECTION 4.050 M-L LIMITED INDUSTRIAL ZONE
In an M-L Zone, the following regulations shall apply:

A. USES PERMITTED OUTRIGHT SUBJECT TO SITE PLAN REVIEW In an M-L Zone, the following uses and their accessory uses are permitted subject to the provisions of Article 8, Section 8.140–Site Plan Review and all other applicable requirements of this and other County Ordinances:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

4. Landscaping as part of a transportation facility.

5. Emergency measures necessary for the safety and protection of property.

6. 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 Zone.

7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

8. Agricultural sales and service including feed and seed stores, nurseries, greenhouses, landscape supplies and garden centers.

9. Animal sales and service including pet stores, pet grooming and boarding kennels.

10. Automobile and heavy/light equipment repair, sales and service, including rental agencies, detailing, service stations, body shops, auto painting, and machine shops, on-site only except during community events.

11. Contractor shops, offices and storage areas.

12. Engineering, research and development.

13. Light manufacture, assembly and packaging of goods or products which can be performed with minimal adverse impact on, and poses no special hazard to the environment and/or the county. All operations shall be indoors with outdoor storage to be concealed or buffered.

14. Printing and publishing.
15. Public and private transportation depots and terminals; passengers and freight.

16. Telecommunication tower facilities subject to the provisions of Section 4.040(D)(7).

17. Warehousing, storage and distribution of equipment, commodities and products in an enclosed area including ministorage facilities.

18. Wholesale uses.

19. Aggregate, sand and gravel cleaning, and processing

20. Other uses determined by the Planning Director to be similar to the above uses.


B. CONDITIONAL USES PERMITTED. Land and buildings in an M-L Zone may be used by the following uses and their accessory uses, subject to the standards and conditions attached to such use as provided by Sections 7.010 through 7.040, inclusive:

1. Conditional Uses
   a. Utility facility.
   b. Television or radio station, transmitter or tower.
   c. Industrial storage and maintenance facility that may include outdoor storage/uses.
   d. Residential dwelling for security and maintenance personnel; limit of 1 dwelling per site.
   e. 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.

Such transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the standards governing conditional uses specified in Section 7.020. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the standards governing conditional uses.

f. Marijuana production, processing and retailing, also subject to Marijuana Business standards contained in Article 8.
C. **DIMENSIONAL STANDARDS.** In an M-L Zone, the following dimensional standards shall apply:

1. **Yard offsets:**
   
   a. Front: 15’
   
   b. Side yards: 10’
   
   c. Rear yards: 10’

2. **The minimum lot area** shall be as determined by the Department of Environmental Quality to be necessary for the protection of public health.

D. **MAXIMUM LOT COVERAGE.** In an M-L Zone, buildings shall not occupy more than 50 percent of the lot area.
SECTION 4.060 M-G GENERAL INDUSTRIAL ZONE

In an M-G Zone, the following regulations shall apply:

A. USES PERMITTED SUBJECT TO SITE PLAN REVIEW In an M-G Zone, the following uses and their accessory uses are permitted subject to the provisions of Article 8, Section 8.140–Site Plan Review and all other applicable requirements of this and other County Ordinances:

1. Fuel stores, excluding bulk storage of petroleum products or gasoline, which shall be processed as a conditional use under 4.060

2. Food Production and manufacturing.

3. Heavy equipment sales and service on-site only

4. Manufacturing, fabricating, processing, repair, engineering, research and development, assembly, wholesale, transfer, distribution and storage uses, excluding the manufacture of explosives

5. Printing and publishing facilities.

6. Public and private lots for parking.

7. Public and private vehicle servicing and fueling stations.

8. Railroad yards and spurs shipyards and commercial docking facilities.

9. Rock, sand and gravel cleaning, crushing, processing and assaying.

10. Storage and maintenance yards.

11. Transportation facilities.

12. Warehouses.


14. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

15. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

16. Landscaping as part of a transportation facility.

17. Emergency measures necessary for the safety and protection of property.
18. **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 Zone.

19. **Construction of a street or road as part of an approved subdivision or land partition** approved consistent with the applicable land division ordinance.

20. **Marijuana production**, also subject to Marijuana Business standards contained in Article 8.

**B. CONDITIONAL USES PERMITTED.** Land and buildings in an M-G Zone may be used by the following uses and their accessory uses, subject to the standards and conditions attached to such use as provided by Sections 7.010 through 7.040, inclusive, and when approved pursuant to the Conditional Use process.

1. Agriculture and aquaculture, excluding livestock and poultry operations.

2. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
   a. Not improvements designated in the Transportation System Plan; or
   b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.

   Such transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the standards governing conditional uses specified in Section 7.020. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the standards governing conditional uses.

3. Construction of rest areas, weigh stations, temporary storage, and processing sites.

4. Bulk fuel stores such as petroleum, methane, propane, gasoline and diesel.

5. Collection, packaging, storage and reprocessing of recyclable materials.

6. Junkyards and automotive wrecking yards enclosed within a permanent view obscuring fence or wall.

7. Chemical Manufacturing facilities

8. The slaughtering of animals and the rendering of fats.

9. **Hazardous Waste Facility provided that:**
   a. The minimum lot size is 200 acres, except that two or more continuous lots may satisfy this requirement; and
b. An agreement is in effect with Gilliam County, reviewable every 5 years, that requires:

(1) Payment of roadway improvement and maintenance fees to the County for use of the County road leading to the facility; and

(2) Payment of a host fee to the County for all waste received and managed at the facility regardless of whether the waste is disposed of on site.

**Exception:** If waste for which a host fee has been paid to the County is subsequently managed or disposed of at another facility that is also a party to a host fee agreement with the County, no additional host fee will be due to the County.

c. The facility is operated pursuant to a hazardous waste facility management plan as described in Subsection D of this section.

10. **Other uses determined by the Planning Director to be similar to the above uses.**

11. **Marijuana production, processing and retailing,** also subject to Marijuana Business standards contained in Article 8.

C. **DIMENSIONAL STANDARDS.** In an M-G Zone, the following dimensional standards shall apply:

1. **Yard offsets:**
   a. Front: 15’
   b. Side yards: 10’
   c. Rear yards: 10’

2. **The minimum lot** area shall be as determined by the Department of Environmental Quality to be necessary for the protection of public health.

D. **HAZARDOUS WASTE FACILITY MANAGEMENT PLAN.** For the purpose of Subsection B.9 of this section, a “hazardous waste facility management plan” shall consist of all permits issued under ORS Chapter 466 by the Oregon Environmental Quality Commission (“EQC”) and/or Oregon Department of Environmental Quality (“DEQ”), plus any agreements between the County and the operator and any conditions imposed by the County pursuant to this subsection. The County shall review the management plan at the time of any DEQ/EQC permit issuance, renewal, or modification that requires a land use compatibility statement from the County. The land use compatibility statement shall be reviewed as a zoning permit pursuant to Section 11.130.B, except that the County Court, Planning Director, or other designated county representative may refer the review to a public hearing if the appropriate official deems a public hearing necessary or beneficial. The County shall issue a land use compatibility statement upon the following findings:
1. The operation or modification complies with the requirements of OAR 340-120-0015 and/or other applicable State statutory or rule requirements; and

2. Any significant adverse impacts of the facility subject to the DEQ/EQC permitting process on public facilities, public services, property values near the site, or similar public interests have been or will be adequately mitigated or resolved through the DEQ/EQC permitting process, imposition of conditions by the County, or by agreement between the County and the operator.
SECTION 4.070 RP. INTERMODAL-INDUSTRIAL   (Adopted by the Gilliam County Court on November 02, 2011)

A.  PURPOSE AND INTENT: The Intermodal–Industrial Zone is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses and are compatible with certain commercial uses. It is designed to assist the County to expand and diversify its economic base. The intent of the Intermodal Zone is to permit the continuation and rural employment opportunities for new uses that are generally rural scale and low impact. This zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned Intermodal Industrial outside incorporated communities and Urban Growth Boundaries. This zone will take advantage of unique economic opportunities available from use of the Intermodal opportunities including rail, highway and barge facilities serving this area and its proximity to the Columbia Ridge Landfill and the Chemical Waste Management facility.

B.  USES PERMITTED: These uses are subject to the provisions of Article 8, Section 8.140–Site Plan Review and all other applicable requirements of this and other County Ordinances. In the Intermodal-Industrial, the following uses and their accessory uses are permitted:

1. The loading, unloading, storage and shipping of agricultural products or agricultural-related products.

2. Commercial activities in conjunction with farm use.

3. Primary processing of raw materials

4. Manufacturing, compounding, assembling, primary processing or treatment of products

5. Manufacturing, compounding, assembling, primary processing or treatment of products

6. Truck service, storage and maintenance; construction and transportation related uses and accessory uses.

7. Industrial uses in conjunction with farm, forest, aggregate or renewable energy uses and those accessory uses

9. Railroad yards and spurs, shipyards and commercial docking facilities

10. Industrial storage and maintenance facility

11. Other buildings and uses similar to the list above and consistent with the purpose of this zone which shall not have any different or detrimental effect upon the adjoining areas or districts than the buildings and uses specifically listed; shall
only be incidental and directly related to the operation of permitted industrial uses.

12. **Marijuana production**, subject to Marijuana Business standards contained in Article 8.

C. **CONDITIONAL USES PERMITTED**: In the Intermodal-Industrial Zone, the following uses and their accessory uses are permitted subject to the conditional use criteria in Section 7.010.A.

1. Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage of products related to agriculture or forestry industries having one of the following characteristics:
   a) Peak employment of more than 100 persons
   b) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combines (i.e. natural; gas, propane, oil, and electricity)

2. Petroleum products and sales and storage limited to card lock and not general retail

3. Public use

4. Residence for a caretaker or night watchman on property with an existing legal use

5. **Marijuana production and processing**, also subject to Marijuana Business standards contained in Article 8.

D. **DIMENSIONAL STANDARDS**. In the Intermodal-Industrial Zone the following dimensional standards apply:

1. No minimum lot area is required. However, if subsurface sewer is needed to support the proposed use, the minimum lot area shall be determined by the Oregon Department of Environmental Quality in a manner consistent with the protection of public health.

2. Other dimensional standards, including yard requirements, shall be established by the Planning Director or Planning Commission as provided by Section 7.010 and 7.020.

3. **Yard offsets**:
   a. Front: 15’
   b. Side yards: 10’
   c. Rear yards: 10’
E. **ADDITIONAL REQUIREMENTS FOR CONDITIONAL USES IN SECTION C.** The following general criteria shall be used to review all conditional uses listed in the Intermodal-Industrial Zone:

1. Evidence shows that there is an economic advantage obtained from locating near the Columbia Ridge Landfill, the Chemical Waste Management plant, or another business located within the business park; or

2. Evidence shows that the proposed use is at least partially dependant on Intermodal service (rail, barge, highway) and that Intermodal service will be used; or

3. Evidence shows that the proposed use is reasonable to locate in the Intermodal-Industrial Zoning District because of the inherent benefit(s) available to a prospective tenant and that siting the proposed use will neither displace jobs that should go into nearby urban growth boundaries to the detriment of local cities, nor take up space that would be better occupied by a use fitting the description of either 1. or 2. listed above; and;

4. The use will be compatible with other uses allowed in the Intermodal-Industrial Zone

5. The use will not have an adverse impact on existing industrial uses and that it would not be incompatible with the noise, dust, vibrations and odor that may emanate from or be caused by the existing adjacent industrial uses.

6. The use will be in compliance with and conform to the policies listed in the text of the Comprehensive Plan

7. The project is designed to be compatible with existing land uses and social patterns including noise generation, safety and zoning.

8. The uses will not have an adverse impact on the adjacent farm dwellings.

F. **SPECIFIC STANDARDS FOR PERMITTED USES IN SECTION B AND C.** Uses authorized under Section B and C will abide by the following standards. Failure to honor these standards could result in revocation of the original authorization, issuance of a cease and desist order to be in place until the infraction is corrected and potential financial penalties as deemed appropriate by the County Court.

1. All loads must be covered and secured.
2. Outdoor lighting will not be directed at adjacent properties or interfere with traffic.
3. Solid waste shall be disposed of at a regulated and licensed landfill.
4. The county may request that work hours be limited to day light hours.

G. **DEFINITIONS.** For purposes of this zone, the term “rural” is used to describe a location outside of an acknowledged urban growth boundary.
SECTION 4.080  FH FLOOD HAZARD COMBINING ZONE

In any zone that is a Combined FH Zone, the requirements and standards of this section shall apply in addition to those herein specified for such zone previously, provided that if a conflict in regulations or standards occurs, the provisions of this section shall govern.

A. DEFINITIONS. Unless specifically defined herein, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

1. “Area of Special Flood Hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on flood hazard maps always includes the letters A to V.

2. “Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year; also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

3. “Development” means any man-made 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 of special flood hazard.

4. “Flood Insurance Rate Map (Firm)” means the official map on which the Federal Insurance Administration had delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

5. “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

6. “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 one foot.

7. “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 section.

8. “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 flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For
insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

9. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

10. “Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkway; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

11. “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

12. “Substantial Improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure whether:

a. Before the improvement or repair is started, or

b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

B. LANDS TO WHICH THIS SECTION APPLIES. This ordinance shall apply to all unincorporated areas of special flood hazards within the jurisdiction of Gilliam County.

C. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Gilliam County
dated Sept. 1984,” with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Gilliam County Planning Department, Courthouse, Condon, Oregon.

D. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. Development Permit Required. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection C of this section. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions” of this section and for all development including fill and other activities, also as set forth in the “Definitions.”

2. Application for Development Permit. Application for a Development Permit shall be made on forms furnished by the County Planning Director and may include, but not be limited to, plans is duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

   a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

   b. Elevation in relation to mean sea level to which any structure has been flood-proofed;

   c. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in this section; and

   d. Description of the extent to which a water course will be altered or relocated as a result of proposed development.

E. DESIGNATION OF THE COUNTY PLANNING DIRECTOR. The County Planning Director is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

F. DUTIES AND RESPONSIBILITIES OF THE COUNTY PLANNING DIRECTOR. Duties of the County Planning Director shall include, but not be limited to:

1. Permit Review

   a. Review all development permits to determine that the permit requirements of this section have been satisfied.

   b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of this section are followed.

2. **Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Subsection C, Basis for Establishing the Areas of Special Flood Hazard, the County Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this section.

3. **Information to Be Obtained and Maintained**
   
a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Subsection F.2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

   b. For all new or substantially improved flood-proofed structures:
      
      (1) Verify and record the actual elevation (in relation to mean sea level), and
      
      (2) Maintain the flood-proofing certifications required.
      
      (3) Maintain for public inspection all records pertaining to the provisions of this section.
      
      (4) Alteration of water courses.

         (a) Notify adjacent communities and the LCDC prior to any alteration or relation of a water course, and submit evidence of such notification to the Federal Insurance Administration.

         (b) Require that maintenance is provided within the altered or relocated portion of said water course so that the flood-carrying capacity is not diminished.

G. **VARIANCE AND APPEAL PROCEDURE**

1. **The County Planning Commission shall hear and decide appeals and requests for variances** from the requirements of this section which shall be processed and considered in accordance with the General Appeal and/or Variances procedures set forth by this ordinance.

2. **In passing upon such applications, the Commission shall consider all technical evaluations,** all relevant factors, standards specified in other sections of this ordinance and:

   a. The danger that materials may be swept onto other lands to the injury of others;
b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed uses which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

3. **Conditions for Variances**

a. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

b. Variance shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford release.

d. Variances shall only be issued upon:

   (1) A showing of good and sufficient cause;

   (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

H. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General Standards. In all areas of special flood hazards, the following standards are required.

   a. Anchoring

      (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

      (2) All manufactured homes must likewise 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. (Reference FEA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques.)

   b. Construction Materials and Methods

      (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

      (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

      (3) 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.

   c. Utilities

      (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

      (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

      (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

   d. Subdivision Proposals
(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

e. **Review of Building Permits.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

2. **Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection C, Basis for Establishing the Areas of Special Flood Hazard, and Subsection F.2, Use of Other Base Flood Data, the following provisions are required.

a. **Residential Construction**

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) 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 exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

   (b) The bottom of all openings shall be no higher than one foot above grade.
(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Subsection F.2.

4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Subsection 8(b)(A)(2).

5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

c. Manufactured Homes. As applicable, all manufactured homes to be placed or substantially improved within Zones A1-30, A-H, and EFU 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 adequately anchored foundation system in accordance with the provisions of Subsection 8(a)(A)(2).

3. Floodways. Located within areas of special flood hazard established in Subsection C are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
b. If Paragraph a above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection H, Provisions for Flood Hazard Reduction.

I. **MARIJUANA PRODUCTION, subject to Article 7.**
SECTION 4.090  GH GEOLOGICAL HAZARD COMBINING ZONE

In any zone which is a Combined GH Zone, the requirements and standards for this section shall apply in addition to those herein specified for such zone previously, provided that if a conflict in regulations or standards occurs, the provisions of this section shall govern.

A. **APPLICATION OF PROVISIONS.** The provisions of this section shall apply to all areas of special geological hazards within the jurisdiction of the County as may now or in the future be identified. Until such time as specific such hazards are accurately identified by the County or agencies such as the Oregon Department of Geology and Mineral Industries, each development proposal shall be reviewed pursuant to general information available (SCS Soils Survey Data). Until specific hazards are identified, this section shall apply only to structures or improvements located on slopes greater than 30 percent or on significantly unstable soils.

B. **USES PERMITTED OUTRIGHT.** In a zone with which the GH Zone is combined, the following uses are the only uses permitted outright, and these uses are permitted only if such uses are permitted in the zone regulations for the primary zone:

1. **Agricultural use conducted without locating a structure in the zone,** except for a boundary fence, and shall be restricted to prevent destruction of vegetation sufficient to cause erosion.

2. **Industrial or commercial use that does not require a structure** other than surfacing at ground level such as for a loading area, parking area, or that requires only temporary structures that will not necessitate ground excavation for placement.

3. **Recreation use that requires no structures, alteration of the natural geology or vegetation removal without immediate replacement.**

4. **Portions of a residential use that do not contain buildings** such as a lawn, garden, parking area or play area, or a related use thereof that does not require alteration of the natural geology or excavation thereof.

C. **CONDITIONAL USE PERMITTED IN A GH ZONE.** In a zone with which the GH Zone is combined, those uses permitted by the primary zone shall be permitted subject to this section and the provisions of the primary zone. Marijuana production, subject to this section and Article 7.

D. **PERMIT FOR USE OR DEVELOPMENT IN A GH ZONE.** No person shall construct, reconstruct, or install a development, install a mobile home, or divide land in a GH Zone unless a permit has been received for the work, except for those uses permitted by Subsection B of this section. Except for improvement of an existing structure which is less than substantial as determined by the Certified Building Official or the County upon appeal, no permit shall be issued unless the work will be reasonably safe from geological hazard and otherwise comply with this section and this ordinance, in the same manner as a Conditional Use Permit under this ordinance as set forth in Article 6.
E. **APPLICATION REQUIREMENTS FOR A USE IN A GH ZONE.** An application for a use or development in a zone with which the GH Zone is combined shall be accompanied by the following:

1. **Site Investigation Report.** An application for a use or development in a GH Zone requires a site investigation report for the subject area. The site investigation report shall provide information on the site of the development and adjacent land that is likely to be affected by a proposed development. Unless the County determines specific items are not required, the report shall include the information described in this subsection together with appropriate identification of information sources and the date of the information. Before a development permit can be issued, the site investigation report must be approved as a part of the development permit approval process. The approval site investigation report shall be referred to in the deed and other documents of sale and shall be a record of deeds.

2. **Background Data in Report.** The site investigation report shall contain the following background information:
   
   a. A general analysis of the local and regional topography and geology including the faults, folds, geologic and engineering geologic units and any soil, rock and structural details important to engineering or geological interpretations and their relative activity.
   
   b. A history of problems on land adjacent to the site, which may be derived from discussions with local residents and officials and the study of old photographs, reports and newspaper files.
   
   c. The extent of the surface soil formation and its relationship to the vegetation of the site, the activity of the land form and the location on the site.
   
   d. The following ground photographs of the site with information showing the scale and date of the photographs and their relationship to the topographic map and profiles:
      
      (1) A view of the general area.
      
      (2) The site of the proposed development.
      
      (3) Any features which are important to the interpretation of the hazard potential of the site, including all sites of erosion or accretion.

3. **Topography Map.** A topography base map of (1 to 100) scale and with a contour interval of (two feet) shall be accompanied by references to the source and date of information used.

4. **Subsurface Analysis.** If upon initial investigation it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques shall be conducted by
the person responsible for the site investigation report to include the following data as appropriate:

a. The lithology and compaction of all subsurface horizons to bedrock.

b. The depth, width, slope and bearing of all horizons containing significant amounts of silt and clay and any other subsurface layers which could reduce the infiltration of surface water.

5. Development Proposal. The site investigation report shall include the following information on the proposed development as applicable:

a. Plans and profiles showing the position and height of each structure, paved area and areas where cut and fill is required for the construction.

b. The percent and location of the surface of the site which will be covered by impermeable surfaces.

c. A stabilization program for the development describing:

   (1) How much of the site will be exposed during construction and what measures will be taken to reduce wind erosion and soil movement during construction.

   (2) A revegetation program designed to return open soil areas, both pre-existing and newly created, to a stable condition as soon as possible following construction and the period of time during revegetation maintenance.

   (3) Areas to be protected from vegetation loss or ground water pollution shall be identified and means for protection described.

6. Conclusions in the Site Investigation

a. The site investigation report shall contain conclusions stating the following:

   (1) How the intended use of the land is compatible with the conditions;

   (2) Any existing or potential hazards noted during the investigation.

b. Mitigating recommendations for specific areas of concern shall be included.

c. Conclusions shall be based on data included in the report, and the sources of information and facts shall be specifically referenced.

F. STANDARDS FOR BUILDING CONSTRUCTION IN A GH ZONE

1. Building construction shall only be approved under conditions that do not adversely affect geological stability or vegetation. The grading of land and the orientation and design of a building shall avoid creating conditions that will cause erosion or accretion of
soil. Where there is some risk of these conditions occurring, a “qualified geological expert” shall certify that the design and control measures will comply with this standard.

2. Construction work shall be scheduled and conducted to avoid erosion and temporary stabilization measures may be needed until permanent installations are accomplished.

G. **STANDARDS FOR AN ACCESS ROUTE IN A GH ZONE.** An access route within a GH Zone shall comply with the following:

1. A road or street shall be stabilized by planking, gravel or pavement as deemed necessary.

2. A roadway shall be built without installation of excessive fill, diversion of water or excessive cuts unless the site investigation determined that such conditions will not be detrimental to the area or create unwarranted maintenance problems or additional hazards.

H. **REGULATIONS NOT A GUARANTEE.** The degree of geological hazard protection afforded by the provisions of this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Greater hazards than those anticipated by these provisions may occur on occasion or the natural hazard may be increased by human or natural causes. The identification of areas subject to geological hazards pursuant to the provisions of this ordinance does not imply that lands outside such areas will be free from such hazards. This ordinance shall not create liability on the part of the County or any officer or employee thereof for any damages that result from reliance on the provisions or designation of this ordinance or any administrative decisions lawfully made thereunder.
SECTION 4.100 SR SIGNIFICANT RESOURCE COMBINING ZONE

A. PURPOSE. The purpose of the Significant Resource (SR) Zone is to protect significant aggregate resources, scenic areas, natural areas, and fish and wildlife habitat in the County, and to permit development which is compatible with such protection.

B. APPLICATION. The Significant Resource Combining (SR) Zone shall be applied to those sites designated as significant resource sites via the process set forth in OAR 660-023-0180(3) on the County Comprehensive Plan Goal 5 resource map, and determined to be worthy of full protection or limited protection against conflicting uses. For those sites deemed significant thru the process set forth in OAR 660-023-0180(3) only Site Plan Review is required. Sites deemed significant via the process set forth in OAR 660-023-0180(4) shall be added to the significant resource sites, but are not eligible for protection.” For those sites deemed significant thru the process set forth in OAR 660-023-0180(4) a Conditional Use Permit is required.

1. All activities related to the mining operation, including but not limited to stripping vegetation, removal of soil, drilling, blasting, excavation, processing, stockpiling, and accessory uses such as the installation of scales necessary and consistent with the mining operations (ORS 517.750(11)) are allowed on sites deemed significant aggregate sites.

C. PERMISSIBLE USES. Regardless of the use type classification of a specific use in a primary or underlying zone, a use listed in Subsection E of this section as a Conflicting Use shall be processed and approved in compliance with the provisions of this section.

1. When a decision to fully protect the resource has been made for the significant resource site as indicated in the Comprehensive Plan, no conflicting uses shall be allowed and the site will be fully protected.

2. When a decision for partial resource protection has been made for the significant resource site as indicated in the Comprehensive Plan, any application for a conflicting use or activity listed in Section 4.100.E shall be reviewed according to the requirements below:

   a. The applicant shall submit a map(s) of the location of the resource site(s), and a written description(s) of the resource type(s).

   b. The applicant shall consult with the responsible resource agency listed in Section 4.100.F for the purpose of identifying any limitations on the siting, construction or operation of the proposed use or activity which would reduce or eliminate any negative impacts to the resource site.

   c. In addition to other applicable requirements of this and other County ordinances, the County shall approve the application only if it can be clearly demonstrated that the proposed use or activity will have no significant negative impact on the resource site, or that the reduced preservation review criteria of Section 4.100.D are met.
3. In a zone with which the SR Zone is combined, marijuana production is permitted only if allowed in the zone regulations for the primary zone, and subject to this section and Article 7.

D. **REDUCED PRESERVATION REVIEW CRITERIA.** The environmental, social, economic and energy consequences (i.e., benefits and costs) of allowing the proposed conflicting use or activity shall be described in sufficient detail to provide a clear demonstration that the applicable criteria below are met.

1. All Significant Resource Sites

   a. The resource site shall not be altered or impacted to the point where it no longer has significant resource value. Such a point would be reached when the altered or impacted site would no longer meet the significant resource requirements used to designate the site in the Comprehensive Plan.

   b. The amount of alteration or impact to the significant resource shall be the minimum necessary to accomplish the purpose of the proposed use or activity.

   c. There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife.

   d. An alternative site for the proposed use or activity, which would have less impact to the resource value of the site, does not exist on the applicant’s lot or parcel or on contiguous lots or parcels. For purposes of this section, contiguous means lots or parcels with a common boundary, not separated by a public road, and in which greater than possessory interests are held by the same person, spouse or single partnership or business entity, separately or in tenancy in common.

2. Riparian Vegetation

   a. The criteria of this subsection shall apply within an area of 100 feet measured horizontally from the ordinary high water line of Class I and II Streams inventoried in the County Comprehensive Plan.

   b. Roadways and structures shall not be located within the riparian area defined in a above, unless:

      (1) For a bridge crossing; or

      (2) Direct water access is required in conjunction with a water-dependent use; or

      (3) Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or

      (4) No amount of riparian vegetation is present; or
(5) Roadway access is required for an otherwise approved use.

c. All trees and at least 50 percent of the understory vegetation shall be retained within areas listed in a above, with the following exceptions:

(1) Removal of dead, diseased or dying trees or leaning trees which pose an erosion or safety hazard;

(2) The mowing, planting or maintenance of existing lawn and pasture, including the control of noxious weeds;

(3) Vegetation removal necessary to provide direct access for a water-dependent use, or an otherwise approved use;

(4) Structural shoreland stabilization; and

(5) Vegetation removal necessary in conjunction with an approved in-water project, such as a bridge.

3. **Mineral and Aggregate Resource Sites.** A conflicting use listed under Subsection E.1 within 1500 feet from a significant mineral or aggregate resource site (active or potential) may be required to establish setbacks in excess of those required in the underlying zone. The required setback shall be determined by the Planning Director after meeting with the applicant and the owner of the mineral resource land to ensure visual and sound screening between present and future resource uses and the proposed conflicting use. Such setback shall be no less than those of the underlying primary zone.

4. **Big Game Range Restrictions**

   a. New structures shall be located as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure).

   b. Structures shall share a common access road wherever possible.

   c. Where it is impractical to share a common access road, the dwelling shall be located as close as possible to the nearest existing public road in order to minimize the length of access from the nearest existing public road.

   d. In areas identified as Big Game Winter Range, no dwelling will be authorized where the overall density exceeds one dwelling per 160 acres applicable to each separate contiguous ownership existing on the effective date of this ordinance.

   e. Residential subdivisions shall have clustered dwellings, or be a planned development subject to the provisions of Article 5, Land Development Regulations and Standards.
f. In no instance shall the minimum lot size or dwelling density provisions of this section allow a smaller lot or parcel size or a greater dwelling density than allowed by the underlying primary zone.

5. **Sensitive Eagle and Heron Habitat.** Although there are not currently any such identified resource sites within the County outside the boundaries of the Scenic Waterway designation of the John Day River, at such time as such sites are identified and duly designated as such by the County as an amendment to the Goal 5 element of the Plan, the following provisions shall apply.

   a. The proposed use shall not destroy or cause abandonment of the nesting or roosting trees or sites.

   b. Within 600 feet of an eagle nest site or 300 feet of a heron rookery site, no tree removal, except where authorized by the Forest Practice Act and subsequent adopted Administrative Rules, or other conflicting use shall be allowed unless the Planning Director, after consultation with the Oregon Department of Fish and Wildlife, and in consideration of critical nesting periods, buffer areas and necessary trees for nesting the roosting, finds that the conflicting use will not destroy or reasonably cause the abandonment of the site.

E. **LIST OF CONFLICTING USES AND ACTIVITIES**

1. **Mineral and Aggregate Resources**

   a. Dwellings, except those in conjunction with mining operations.

   b. Parks, playgrounds, campgrounds, hunting and fishing preserves.

   c. Community and neighborhood centers and recreation facilities and establishments.

   d. Schools and day care or nurseries.

   e. Dude Ranch or resort facility.

   f. Commercial residential use.

   g. Tourist or travelers accommodations.

   h. Mobile home park or travel trailer parks.

   i. Vineyards

   j. Wineries

   k. Wind Turbines
2. **Natural Areas** (for natural areas identified as having only wildlife resource elements refer to that resource category)

3. **Big Game Habitat**
   
a. Residential dwellings to include those customarily provided in conjunction with farm or forest uses.
   
b. Campgrounds.
   
c. Highways and roads other than access roads.
   
d. Community centers.
   
e. Golf courses.
   
f. Schools.

4. **Wetlands.** Although there are not currently any such identified resource sites within the County outside the boundaries of the Scenic Waterway designation of the John Day River, at such time as such sites are identified and duly designated as such by the County as an amendment to the Goal 5 element of the Plan, the following shall apply in the initial identification of Conflicting Uses.
   
a. Ditching, draining or diking, usually but not necessarily in conjunction with farm use.
   
b. Fill for any purpose, usually but not necessarily in conjunction with building siting and roadway construction.
   
c. Water withdrawals or impoundments.

5. **Riparian Vegetation**
   
a. Forest products harvesting and associated activities such as road building and log storage.
   
b. Vegetative removal or land cleaning for any use.

6. **Sensitive Bird Habitat**
   
a. Tree removal for any purpose.
   
b. Residential dwellings, to include those customarily provided in conjunction with farm or forest use.
   
c. Solid waste disposal.
   
d. Commercial use in conjunction with farm or forest uses.
F. RESPONSIBLE RESOURCE AGENCY LIST

1. Energy resources:
   a. State Department of Energy.

2. Mineral and aggregate resources:
   a. County Road Department
   b. State Highway Department
   c. Department of Transportation
   d. Department of Geology and Mineral Industries

3. Archaeological resources:
   a. County Historical Society
   b. State Historic Preservation Office

4. Historic buildings and sites:
   a. County Historical Society
   b. State Historic Preservation Office

5. Parks and recreation scenic waterways:
   a. State Parks & Recreation
   b. State Department of Transportation

6. Geothermal resources:
   a. Department of Geology and Mineral Industries

G. HISTORIC BUILDINGS AND SITES

1. Alteration/Demolition Permits. A permit is required for alteration or demolition of any structure listed in the County Comprehensive Plan inventory of significant historic resources.

   a. Alteration as governed by this section means any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface
texture, material, or architectural detail of the exterior part of the structure but shall not include paint color.

b. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the Building Official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition.

2. Review Procedure

a. Application. A property owner or his authorized agent may initiate a request for a permit for alteration or demolition of an historic structure by filing an application with both the Building Official and the County Planning Department using forms prescribed for the purpose.

b. Public Review Process. The Planning Director shall initiate a Type I Conditional Use Permit process on the permit request within 21 days of receipt of such application.

c. In addition to other notice requirements, the Planning Director shall send notice to the Gilliam County Historical Society.

d. Notice

(1) Notice of the permit request and the review thereof shall be given not less than 10 or more than 20 days prior to the date of the response deadline for comments by one publication in a newspaper of general circulation in the area of the specific request.

(2) Written notice of the review shall be mailed to the applicant, the owners of the affected property, the State Historic Preservation Office, and any person requesting notice of demolition or alteration of an historic structure and the Gilliam County Historical Society. Such notice shall be in accordance with the Type I Conditional Use Permit process.

e. Decision

(1) The Planning Director shall render a decision on an application within 10 days of closure of the review process.

(2) A copy of the decision shall be mailed to the applicant, the owners of the affected property, and other persons specifically requesting such notification within seven (7) days following the decision.

3. Planning Director Action
a. **Alteration.** In the case of an application for alteration of an historic structure, the Planning Director shall:

(1) Approve the request submitted;

(2) Approve the request with modifications or conditions; or

(3) Deny the request.

The Director may also refer the application to the Gilliam County Historical Society for review and written recommendations prior to taking such action set forth therein before.

b. **Demolition.** In the case of an application for demolition of an historic structure, the Planning Director shall authorize either:

(1) Immediate issuance of the permit; or

(2) Delay of issuance of the permit for up to 120 days.

During this period, the Planning Director and the County Court shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent demolition of the site or structure. The Director or the Court may request advice from the County Historical Society.

4. **Criteria**

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

(1) **Retention of original construction.** So far as practicable. All original exterior materials and details shall be preserved.

(2) **Height.** Additional stories may be added to historic buildings provided that:

(a) The added height complies with requirements of the Uniform Building Code and the Zoning Ordinance.

(b) The added height does not exceed that which was traditional for the style of the building.
(c) The added height does not alter the traditional scale and proportions of the building style.

(d) The added height is visually compatible with adjacent historic buildings.

(3) **Bulk.** Horizontal additions may be added to historic buildings provided that:

(i) The bulk of the addition does not exceed that which was traditional for the building style.

(ii) The addition maintains the traditional scale and proportion of the building style.

(iii) The addition is visually compatible with adjacent historic buildings.

(4) **Visual Integrity of Structure.** The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

(5) **Scale and Proportion.** The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.

(6) **Materials, Color, and Texture.** The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.

(7) **Signs, Lighting, and Other Appurtenances.** Signs, exterior lighting, and other appurtenances such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

b. **Demolition.** The Planning Director shall authorize immediate issuance of a demolition permit if all of the following are found:

(1) The structure cannot be economically rehabilitated;

(2) A program or project does not exist which may reasonably result in preservation of the structure;

(3) Delay of the permit would result in unnecessary and substantial hardship to the applicant;

(4) Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the structure and the economic, cultural and energy consequences of demolishing the structure; and

(5) Appeals. An appeal of a decision by the Planning Director pursuant to this subsection shall be to the County Planning Commission.
SECTION 4.110 A-O AIRPORT OVERLAY ZONE (Amended April 14, 1999)

In an Airport Overlay Zone, the requirements and standards for this section shall apply in addition to those herein specified for such zone previously, provided that if a conflict in regulations or standards occurs, the provisions of this section shall govern.

A. PURPOSE. This overlay zone, delineated by Airport Imaginary Surfaces, applies to properties which lie within the airspace surrounding the Arlington Municipal Airport and the Condon State Airport.

Further, this overlay zone is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of Gilliam County.

B. COMPLIANCE. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

C. SPECIAL DEFINITIONS

1. Airport Imaginary Surfaces means those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Zone and in which any object extending above these imaginary surfaces is an obstruction.

2. Airport Approach Safety Zone means fan-shaped area 20 feet outward for each foot upward (20:1), 250 feet wide beginning 200 feet beyond the end of and at the same elevation as the runway and extending to horizontal distance of 5,000 feet along the extended runway centerline to a width of 1,250 feet.

3. Airport Hazard means any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

4. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of 1,500 feet for a runway other than a utility runway having only visual approaches. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

5. Conical Surface. Extends one foot upward for each 20 feet outward (20:1) for the 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the end of the runway at 150 feet above the airport elevation) and upward, extending to a height of 350 feet above the airport elevation.
6. **Horizontal Zone.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each of the primary surfaces of each runway and connecting the adjacent arcs by lines tangent to those arcs.

7. **Noise-Sensitive Area.** Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 LDN.

8. **Nontowered Airport.** An airport without an existing or approved control tower on June 5, 1995.

9. **Place of Public Assembly** means a structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

10. **Primary Surface.** A surface longitudinally centered on a runway. For runways with a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. The width of the Primary Surface is 250 feet for utility runways having only visual approaches and 500 feet for other than utility runways having only visual approaches with visibility minimums greater than three-fourths of a mile.

11. **Runway Protection Zone (RPZ).** An area off the runway end (formerly the Clear Zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet (60 m) beyond the end of the area usable for takeoff or landing. The RPZ dimensions are functions of the type of airport and operations to be conducted on the runway.

12. **Sponsor.** The owner, manager or other person designated to represent the interests of an airport.

13. **Transitional Surface.** Extends seven feet outward for each one foot upward (7:1), beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and form the sides of the Approach Surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

14. **Transitional Zones.** Extended one foot upward for each seven feet outward (7:1), beginning 125 feet on each side of the runway centerline (Primary Surface) which point is the same elevation as the runway surface, and from the sides of the Approach Surfaces thus extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

15. **Utility Runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

16. **Visual Runway.** A runway that is intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no
instrument designation that has been approver, or planned, or indicated, on an F.A.A. or State planning document or military service airport planning document.

D. **PERMITTED USES WITHIN THE RUNWAY APPROACH ZONE (RPZ).** While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are below the Approach Surface, and do not interfere with navigational aids.

1. **Agricultural operations** (other than forestry or livestock farms, i.e. feed lots).

2. **Golf courses** (but not clubhouses).

3. **Automobile parking facilities.**

E. **PERMITTED USES WITHIN THE AIRPORT APPROACH SAFETY ZONE**

1. **Farm use,** excluding the raising and feeding of animals, which would be adversely affected by aircraft passing overhead.

2. **Landscape nursery, cemetery or recreation areas** which do not include buildings or structures.

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

4. **Pipeline.**

5. **Underground utility wire.**

6. **In noise-sensitive areas** (within 1,500 feet of an airport or within established noise contour boundaries of 55 LDN and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land division appeal, deed and mortgage records. In areas where the noise level is anticipated to be 55 LDN and above, **prior to issuance of a building permit for construction of noise-sensitive land use** (real property normally used for sleeping or normally used as school, churches, hospitals, or public libraries), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 LDN. The Planning and Building Department will review building permits or noise-sensitive developments.

7. **No development that attracts or sustains hazardous bird movements from feeding, watering,** or roosting across the runways and/or approach and departure patterns of aircraft. Planning authority shall notify Oregon Aeronautics of such development (e.g., waste disposal sites and wetland enhancements) within the Airport Overlay Zone so as to provide Oregon Aeronautics Division an opportunity to review and comment on the site in accordance with F.A.A. AC 150/5200-33.
F. **CONDITIONAL USES WITHIN THE AIRPORT APPROACH SAFETY ZONE**

1. A structure or building accessory to a permitted use.

2. A single-family dwelling, when authorized in the primary zoning district, provided
   the landowner signs and records in the deed and mortgage records of Gilliam County a
   Hold Harmless Agreement and Aviation and Hazard Easement and submits them to
   the airport sponsor and County Planning Department.

3. **Commercial and industrial uses**, when authorized in the primary zoning district,
   provided the use does not result in the following:
   
   a. Creating electrical interference with navigational signals or radio communication
      between the airport and aircraft.
   
   b. Making it difficult for pilots to distinguish between airport lights or others.
   
   c. Impairing visibility.
   
   d. Creating bird strike hazards.
   
   e. Endangering or interfering with the landing, taking off or maneuvering of aircraft
      intending to use the airport.
   
   f. Attracting large numbers of people.

4. **Buildings** and uses of a public works, public service or public utility nature.

5. **Marijuana production**, subject to Marijuana Business standards contained in Article
   8.

G. **PROCEDURES.** An applicant seeking a conditional use under Section F above, shall
   follow procedures set forth in the Conditional Use section of the Gilliam County Zoning
   Ordinance. Information accompanying the application shall also include the following:

1. **Property boundary lines** as they relate to the Airport Imaginary Surfaces;

2. **Location and height of all existing and proposed buildings**, structures, utility lines
   and roads; and a

3. **Statement from the Oregon Aeronautics Division** indicating that the proposed use
   will not interfere with operation of the landing facility.

H. **LIMITATIONS**

1. To meet the standards established in F.A.A. Regulations, Part 77, and LCDC 660-013-
   0070, Exhibit 1, **no structure shall penetrate into the Airport Imaginary Surfaces**
2. No place of public assembly shall be permitted in the Airport Approach Safety Zone or RPZ.

3. No structure or building shall be allowed within the RPZ.

4. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

5. No glare-producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.

6. In noise-sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 LDN and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land division appeal, deed and mortgage records. In areas where the noise level is anticipated to be 55 LDN and above, prior to issuance of a building permit for construction of noise-sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 LDN. The Planning and Building Department will review building permits on noise-sensitive developments.

7. No development that attracts or sustains hazardous bird movements from feeding, watering, or roosting across the runways and/or approach and departure patterns of aircraft. Planning authority shall notify Oregon Aeronautics of such development (e.g., waste disposal sites, open water impoundments, and wetland enhancements) within the Airport Overlay Zone so as to provide Oregon Aeronautics Division an opportunity to review and comment on the site in accordance with F.A.A. AC 150/5200-33.

8. Siting of new industrial uses and the expansion of existing industrial uses is prohibited where either, as part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors.

9. Outdoor lighting for new industrial, commercial or recreational uses or the expansion of such uses is limited to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel.

10. The establishment of new water impoundments larger than one-quarter acre in size within the airport boundary and RPZ is prohibited. Wetland mitigation required for projects located within the airport boundary or RPZ may be authorized within the airport boundary where it is impractical to provide mitigation off-site. Seaplane landing areas are exempt from this prohibition.
11. The establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules is prohibited.

12. Land use regulations and standards for land use decisions regarding land use compatibility and other requirements of this code shall consider the effects of mitigation measures or conditions which could reduce the potential for safety risk or incompatibility.
SECTION 4.120 R-10 RURAL RESIDENTIAL ZONE

In an R-10 Zone the minimum lot size of 10 acres and set forth on the zoning map, and the following regulations shall apply:

A. **APPLICATION:** This zone shall be applied as either a legislative or a quasi-judicial action. When applied as a quasi-judicial action all of the property owners in the area requesting RR designation must sign the application. All necessary material to comply with an exception set forth in OAR 660 Division 4, and the plan amendment procedures set forth in Article 10 of this ordinance shall be submitted with the zone change application.

B. **USES PERMITTED OUTRIGHT.** In an R-10 Zone, the following uses and their accessory uses are permitted outright:

1. Single-Family Residential Dwelling, including Modular, Prefabricated and Manufactured Homes.

2. Utility lines and service facilities necessary for local or community public service

3. 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

4. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance

C. **CONDITIONAL USES PERMITTED.** In an R-10 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Section and Article 7 of this Ordinance:

1. Family Day Care Center as defined in ORS 418.

2. Home Occupation or Cottage Industry

3. Bed and Breakfast Facility

4. Guest House

5. Temporary residential dwellings as permitted in Article 4 of this Ordinance

6. Planned Unit Development

7. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

4. **DIMENSIONAL STANDARDS.** In an R-10 Zone, the following Dimensional Standards shall apply:
1. The minimum lot size shall be 10 acres

2. Front yard setback shall be a minimum of 30 feet; side yard setback shall be a minimum

3. No building shall exceed a height of 25 feet measured from grade.