

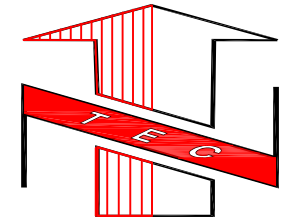
ZONING ORDINANCE INDEX

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TOWN OF WASCO

IN SECTIONS 4 & 9, TWP. 1 N., RANGE 17 E. W.M.
SHERMAN COUNTY, OREGON



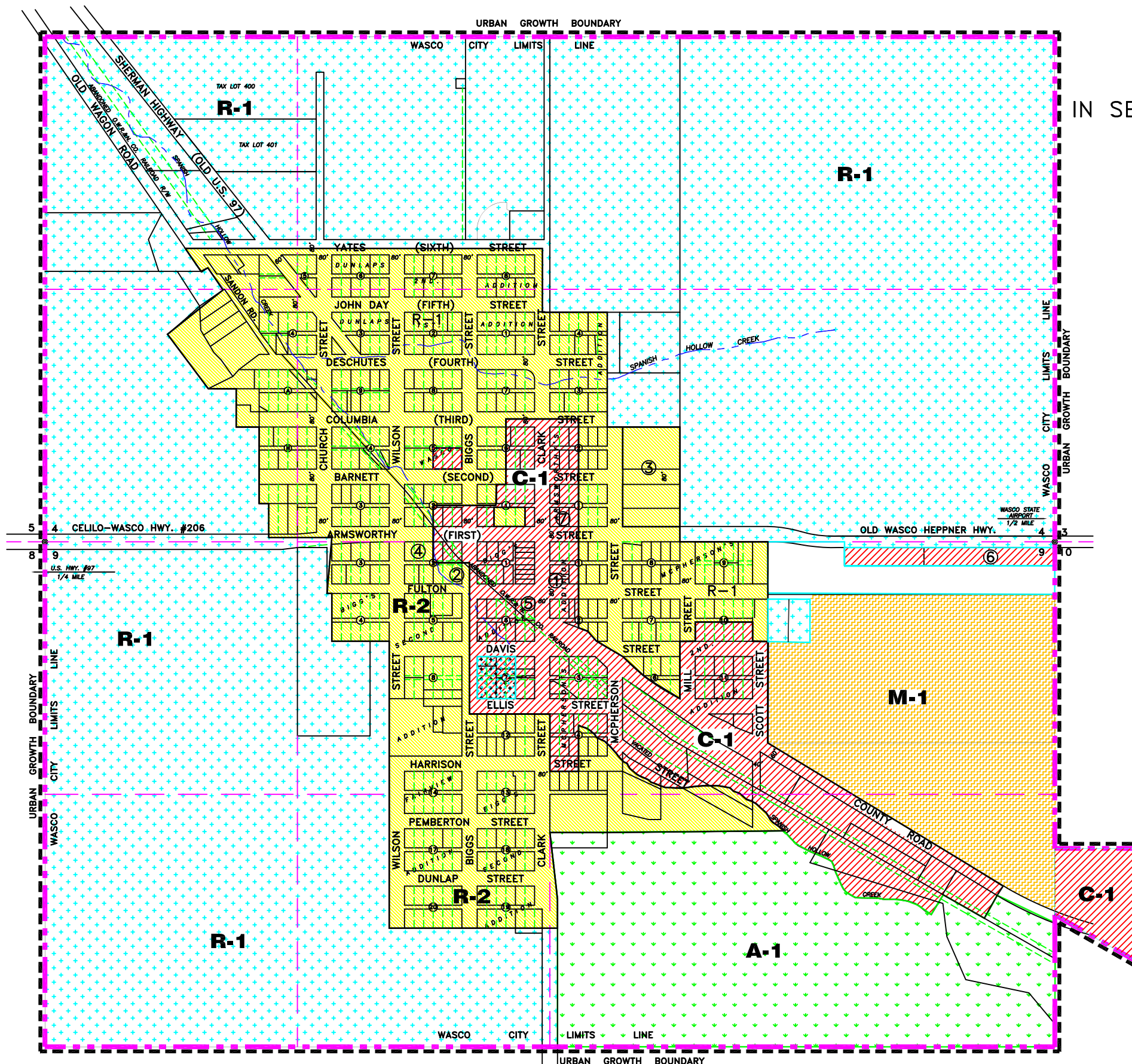
0' 200' 400' 600' 1200'
SCALE IN FEET

APRIL, 2007

COMPREHENSIVE PLAN AND ZONING MAP

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	RESIDENTIAL	R-2
	COMMERCIAL	C-1
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- ② CITY SHOP
- ③ SCHOOL
- ④ CITY PARK
- ⑤ DEPOT
- ⑥ AIRPORT
- ⑦ FIRE HALL



CITY OF WASCO COMPREHENSIVE PLAN UPDATE

W.O. #8667

TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3775 CRATES WAY
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

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CITY OF WASCO
ZONING ORDINANCE

**June 2003 revision to incorporate
Transportation System Plan**

THIS PROJECT IS PARTIALLY FUNDED BY A GRANT FROM THE TRANSPORTATION AND GROWTH MANAGEMENT (TGM) PROGRAM, A JOINT PROGRAM OF THE OREGON DEPARTMENT OF TRANSPORTATION AND THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT. THIS TGM GRANT IS FINANCED, IN PART, BY FEDERAL TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21), LOCAL GOVERNMENT, AND THE STATE OF OREGON FUNDS.

THE CONTENTS OF THE DOCUMENT DO NOT NECESSARILY REFLECT VIEWS OR POLICIES OF THE STATE OF OREGON.

CITY OF WASCO ORDINANCE NO. 1130-98B

**AN ORDINANCE ADOPTING A ZONING ORDINANCE
AND ZONING MAP FOR THE CITY OF WASCO,
AND REPEALING ORDINANCE NO. 98
AND ALL AMENDMENTS THERETO.**

WHEREAS, the City of Wasco has developed a Vision Statement titled "City of Wasco, What Will the Future Be?" and adopted it as an addendum to the Comprehensive Plan and,

WHEREAS, the City has adopted a new Comprehensive Plan Map to coincide with the Vision Statement and,

WHEREAS, in order to implement the new vision statement and Comprehensive Plan Map, a new Zoning Ordinance and Zoning Map must be adopted.

WHEREAS, the City conducted, and with proper notice, public hearings on October 19, November 16, and November 30, 1998.

NOW THEREFORE, the City of Wasco ordains:

1. The attached Zoning Ordinance, Exhibit 1, is hereby adopted.
2. The attached Zoning Map, Exhibit 2, is hereby adopted.
3. Ordinance 98 and all amendments thereto is hereby repealed.

Read for the first time November 30, 1998.

Read for the second time by title only: November 30, 1998.

Read for the third time and passed: November 30, 1998.

Approved by the Mayor: November 30, 1998.

CITY OF WASCO, OREGON

Mayor

ATTEST:

City Recorder

<wascocity.018>

Ordinance No. 1130-98B

**ZONING ORDINANCE, AS AMENDED
CITY OF WASCO
SHERMAN COUNTY, OREGON**

PREPARED FOR
WASCO CITY COUNCIL

PREPARED BY
DANIEL R. MEADER, PLANNING CONSULTANT
TENNESON ENGINEERING CORPORATION
409 Lincoln Street
The Dalles, Oregon 97058

Adopted November 30, 1998

**ORDINANCE NO. 1130-98B
EXHIBIT 1**

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Ordinance No. 1130-98B**WASCO ZONING ORDINANCE**

The City of Wasco, Sherman County, Oregon, ordains as follows:

**Article 1
Introductory Provisions**

SECTION 1.1 - TITLE. This ordinance shall be known as the City of Wasco Zoning Ordinance.

SECTION 1.2 - PURPOSE.

- (1) To implement the Wasco Comprehensive Plan as adopted by the Wasco City Council.
- (2) To comply with ORS Chapter 227 and 197.
- (3) To promote the public health, safety and welfare of the citizens of the City of Wasco.
- (4) To replace Ordinance No. 98, as amended.

SECTION 1.3 - DEFINITIONS. As used in this ordinance, the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

(See also Ordinance 356 establishing regulations for barndominiums and cargo containers.)

- (1) ACCESS. The way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
- (2) ACCESS CLASSIFICATION. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

- (3) ACCESS MANAGEMENT. The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, and speed.
- (4) ACCESSORY USE OR ACCESSORY STRUCTURE. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (5) ACCESSWAY. A walkway, as opposed to a sidewalk, is not adjacent to a road and provides a pedestrian and bicycle connection either between roads or from a road to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.
- (6) ALLEY. A street which affords only a secondary means of access to the property.
- (7) AUTOMOBILE WRECKING YARD. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.
- (8) APARTMENT. A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.
- (9) BED AND BREAKFAST. An establishment in a residential district that contains up to five (5) guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen (15) days.
- (10) BOARDING HOUSE, LODGING, OR ROOMING HOUSE. A building where lodging with or without meals is provided for compensation, for over four (4) guests to a maximum of twelve (12) guests.
- (11) BUILDING. A structure or mobile home unit built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- (12) CHURCH. A building or edifice used primarily for religious worship.
- (13) CITY. City of Wasco.
- (14) CITY COUNCIL. Wasco City Council

- (15) CONTIGUOUS LAND. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way) which would deny access between the two parcels under single ownership.
- (16) CORNER CLEARANCE. The distance from a public or private road intersection to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
- (17) CROSS ACCESS. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
- (18) DUPLEX. A building containing two dwelling units designed for occupancy by two families.
- (19) DWELLING, SINGLE-FAMILY. Any building designed or used exclusively for occupancy by one family and containing one dwelling unit, including manufactured homes meeting the requirements of Section 4.7.
- (20) EASEMENT. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
- (21) FAMILY. An individual or two or more persons related by blood, marriage or legal adoption or legal guardianship, living together in a dwelling unit. Meals or lodging may also be provided for not more than three additional persons who need not be related by blood, marriage, adoption or legal guardianship living in a dwelling unit.
- (22) FARM USE. The current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by 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, excluding feedlots. It includes the preparation and storage of products raised on such land for man's use and animal use and disposal by marketing or otherwise.
- (23) FOURPLEX. A building containing four dwelling units designed for occupancy by four families.
- (24) FRONTAGE ROAD. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

- (25) FUNCTIONAL AREA (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
- (26) FUNCTIONAL CLASSIFICATION. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
- (27) HELIPORT. Defined as an area of land or water or structural surface which is used or intended for use for the landing and take-off of helicopters and any appurtenant areas which are used or intended for use for heliport buildings or other heliport facilities in accord with Section 4.10 of this ordinance.
- (28) HOME OCCUPATION. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, provided:
- (A) There is no more than one additional person employed other than the resident of the dwelling; and
- (B) The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.
- (29) INDUSTRIAL. The making of commodities by manufacturing, assembling, fabrication, or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.
- (A) *Light Industrial*--is defined as those activities listed above which occur totally within an enclosed structure. There is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the exterior walls of the structure.
- (B) *Heavy Industrial*--is defined as those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading, and unloading, stockpiling, etc. for which there is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the property line of the site.
- (30) JOINT ACCESS (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.
- (31) LOT. A parcel, tract, or area of land whose boundaries have been established by some, legal instrument, which is recognized as a separate legal entity for purposes of

transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

- (32) LOT AREA. The total area of the lot measured in the horizontal plane within the lot boundary lines.
- (33) LOT, CORNER. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.
- (34) LOT DEPTH. The average distance measured from the front lot line to the rear lot line.
- (35) LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.
- (36) LOT FRONTAGE. That portion of a lot extending along a street right-of-way.
- (37) LOT LINE, FRONT. The line on the lot facing the street from which the access to the lot is commonly made.
- (38) LOT, THROUGH (or Double Frontage Lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.
- (39) LOT WIDTH. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
- (40) MANUFACTURED DWELLING.
 - (A) *Residential Trailer*--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
 - (B) *Mobile Home*--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon Mobile Home law in effect at the time of construction.

(C) *Manufactured Home--*

1. For any purpose other than that set forth in subparagraph 2 of this paragraph, "manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or
 2. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.
 3. "Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
- (41) MOBILE HOME PARK. Any privately owned place where four or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.
- (42) MULTIPLE FAMILY DWELLING. Dwelling designed or intended for the residence of three or more families.
- (43) NONCONFORMING ACCESS FEATURES. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.
- (44) NONCONFORMING STRUCTURE OR USE. A lawfully existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (45) OWNER. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
- (46) PARCEL. A division of land comprised of one or more lots in contiguous ownership.
- (47) PARKING PLACE. A rectangular area not less than 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other

vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.

- (48) PERSON. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (49) PLAT. An exact and detailed map of the subdivision of land.
- (50) PLOT PLAN. A drawing indicating the location of existing and proposed structures on a lot or parcel together with other site information as required.
- (51) PRIVATE ROAD. A road not under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- (52) PUBLIC ROAD. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- (53) REASONABLE ACCESS. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Wasco.
- (54) RECREATIONAL VEHICLE. A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a gross floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer.
- (55) RECREATIONAL VEHICLE PARK. Any area designed to establish, operate, manage, or maintain the same for picnicking or overnight recreational vehicle or tent camping by the general public or any other segment of the public includes but is not limited to the areas open to use free of charge or through a payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership, and further includes but not limited to those areas divided into two or more lots, parcels, units, or other interests for the purposes of such use. Such recreational vehicle parks as defined are not intended for residential occupancy.
- (56) RESIDENTIAL USE. A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.
- (57) RESIDENTIAL FACILITY. A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department, as

defined in ORS 443.400 under ORS 443.400 to ORS 443.460, or licensed by the Children's Services Division under ORS 418.205 to ORS 418.327 which provides residential care alone or in conjunction with treatment or training, or the combination thereof, for six to fifteen individuals who need not be related. Staff persons required to meet the licensing requirement shall not be counted in the number of facility residences and need not be related to each other or to any resident of the residential facility.

- (58) RESIDENTIAL HOME. A residential treatment or training or adult foster home licensed by or under the authority of the Department as defined ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to ORS 443.500, or an adult foster home licensed under ORS 443.705 to 443.825, which provides residential care alone or in conjunction with treatment or training, or a combination thereof, of five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any residents of the residential home.
- (59) RIGHT-OF-WAY. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.
- (60) SETBACK. An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
- (61) SIGN. An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.
- (62) SIGNIFICANT CHANGE IN TRIP GENERATION. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) local 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.
- (63) STREET. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place,

avenue, alley or other similar designation which is commonly open to use by the public.

- (64) STRUCTURE. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (65) STUB-OUT (Stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.
- (66) SUBSTANTIAL ENLARGEMENTS OR IMPROVEMENTS. An increase in existing square footage or increase in assessed valuation of the structure of 25% or more in the square footage or assessed value.
- (67) TRACT OR AREA. The area within a measurable boundary of land or contiguous parcels of land.
- (68) TRIPLEX. A building containing three dwelling units designed for occupancy by three families.
- (69) USE. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (70) YARD. An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
- (71) YARD, FRONT. A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
- (72) YARD, REAR. Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
- (73) YARD, SIDE. The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

Article 2 Basic Provisions

SECTION 2.1 - COMPLIANCE WITH ORDINANCE PROVISIONS.

- (1) The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.
- (2) A building permit is required for all structures containing more than 120 square feet. In order to obtain the City approval of a building permit, a plot plan must be prepared and presented, along with the building permit application to the City Recorder. The plot plan shall include the lot dimensions; proposed and existing structures, including dimensions and height of building; proposed and existing setbacks from all property lines; driveway location and off street parking area; water and sewer locations; and sidewalk locations. Sample plot plans are available at City Hall.

SECTION 2.2 - ESTABLISHMENT OF LAND USE ZONE. This ordinance hereby establishes the following land use zones for the City.

ZONE	ABBREVIATED DESIGNATIONS
Agricultural One (1) acre	A-1
Residential 10,000 square feet minimum lot area	R-1
Residential 5,000 square feet minimum lot area	R-2
Open Space/Public Facilities	OS/PF
Commercial	C-1
Industrial	M-1

SECTION 2.3 - LOCATION OF ZONES. The boundaries of the zones listed in this ordinance are indicated on the Wasco Zoning Map, which is available at City Hall.

SECTION 2.4 - ZONING MAP AMENDMENT. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

SECTION 2.5 - ZONING BOUNDARIES. Unless otherwise specified, zone boundaries are center lines of streets, lot lines, or city limits lines.

Article 3 Land Use Zones

SECTION 3.1 - AGRICULTURE ZONE "A-1".

USES. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "A-1" - Agriculture Zone shall comply with the following regulations:

(See also Ordinance 356 establishing regulations for barndominiums and cargo containers.)

(1) PERMITTED USES:

- (A) Farm use as defined.
- (B) Farm dwelling or dwellings for owners, operators and farm employees.
- (C) Public parks, public recreation areas and community centers.
- (D) Accessory building customarily provided in conjunction with farm use.
- (E) Transportation improvements. (Ord No. 303)
 - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 - 2. Construction of rest areas, weigh stations within existing rights-of-way.
 - 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. Emergency measures necessary 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 or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission 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.
- (2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Section 5.1.
- (A) Facilities necessary for public utility services.
 - (B) Non-farm single-family dwelling, including a mobile home, on a minimum one-acre tract.
 - (C) Airport
 - (D) Home occupation
 - (E) Private recreational areas
 - (F) Transportation improvements (Ord No. 303)
 1. 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. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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:
 - A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife

habitat, air and water quality, cultural resources, and scenic qualities.

- C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- 2. 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.
 - 3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- (3) AREA.
- (A) Lot Size. The minimum lot size shall be one acre.
 - (B) Front Yard. There shall be a front yard of not less than 30 feet in depth.
 - (C) Side Yard. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 15 feet.
 - (D) Rear Yard. There shall be a rear yard of not less than 30 feet in depth.
- (4) HEIGHT. Buildings, structures or portions thereof shall not be erected to exceed a height of 35 feet excluding agricultural storage facilities.
- (5) PARKING REGULATIONS.
- (A) All equipment shall be stored on the property in compliance with yard requirements.
 - (B) One off-street parking space shall be provided on the lot for each dwelling unit.

- (6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to that property on which the dwelling is located. Subsurface sewage disposal must be approved by the City Council prior to the construction of any new dwellings.

SECTION 3.2 - RESIDENTIAL ZONE "R-1".

USES. Unless otherwise specified, only one single family dwelling per lot or parcel shall be permitted. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-1" Residential Zone shall comply with the following regulations:

(See also Ordinance 356 establishing regulations for barndominiums and cargo containers.)

(1) PERMITTED USES:

- (A) Single-family dwellings.
- (B) Public parks, public recreation areas and community or neighborhood centers.
- (C) Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas or less than 10 feet from the main building. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.
- (D) Name plates and signs. One non-illuminated name plate not to exceed 1-1/2 square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (E) Residential homes.
- (F) Transportation improvements. (Ord No. 303)
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

2. Construction of rest areas, weigh stations within existing rights-of-way.
 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. Emergency measures necessary 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 or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission 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.
- (2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Section 5.1.
- (A) Churches
 - (B) Mobile home parks
 - (C) Public schools and libraries
 - (D) Apartments, five or more dwelling units
 - (E) Home occupation
 - (F) Lodge for civic or fraternal organization carrying on no commercial activity
 - (G) Duplexes, two unit dwellings; triplexes, three-family dwellings; and fourplexes, four-family dwellings

- (H) Necessary public utilities and public services, county service buildings, with safeguards against harm to adjacent or abutting residential property as required by the City Council
- (I) Bed and Breakfast facilities meeting the provisions of Section 4.8
- (J) Boarding house
- (K) Residential facilities
- (L) Transportation improvements (Ord No. 303)
 - 1. 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. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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:
 - A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
 - 2. 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.

3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

(3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet.

(4) AREA.

(A) Front Yard. There shall be a front yard of not less than 20 feet in depth.

(B) Side Yard. On interior lots, there shall be a side yard on each side of the main building and each side yard shall have a width of not less than 5 feet. On corner lots the interior side yards shall have a width of not less than 5 feet but the side yard on the street side of such corner lot shall not be less than 10 feet in width.

(C) Rear Yard. There shall be a rear yard of not less than 5 feet in depth.

(D) Lot Area. Every lot shall have a minimum average width of not less than 50 feet and an area of not less than 10,000 square feet per dwelling unit.

(E) Minimum Lot Sizes for Multiple Family Dwellings.

Duplexes	10,000 square feet
Triplexes	15,000 square feet
Fourplexes	20,000 square feet

(5) PARKING REGULATIONS.

(A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit.

(B) Uses other than Dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each 4 seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.

- (6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

SECTION 3.3 - RESIDENTIAL ZONE "R-2".

USES. Unless otherwise specified, only one single family dwelling per lot or parcel shall be permitted. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-2" Residential Zone shall comply with the following regulations:

(See also Ordinance 356 establishing regulations for barndominiums and cargo containers.)

(1) PERMITTED USES.

- (A) Single-family dwellings
- (B) Public parks, public recreation areas and community or neighborhood centers
- (C) Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas or less than 10 feet from the main building. Accessory uses are those which are clearly incidental and subordinate to the primary use of the main building.
- (D) Name plates and signs. One non-illuminated name plate, not to exceed 1-1/2 square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed 8 square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board, not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (E) Residential homes.
- (F) Transportation improvements. (Ord No. 303)
 - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 - 2. Construction of rest areas, weigh stations within existing rights-of-way.

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. Emergency measures necessary 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 or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission 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.
- (2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Section 5.1.
- (A) Churches
 - (B) Public schools and libraries
 - (C) Lodge for civic or fraternal organization carrying on no commercial activity
 - (D) Home occupation
 - (E) Duplexes, two unit dwellings, triplexes, fourplexes, and apartments
 - (F) Necessary public utilities and public services with safeguards against noncompatibility to adjacent or abutting residential property as required by the City Council.
 - (G) Mobile home parks
 - (H) Bed and Breakfast facilities meeting the provisions of Section 4.8

- (I) Boarding house
- (J) Residential facilities
- (K) Transportation improvements (Ord No. 303)
 - 1. 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. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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:
 - A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
 - 2. 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.
 - 3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on

season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

- (3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet.
- (4) AREA.
 - (A) Front Yard. There shall be a front yard of not less than 20 feet in depth. *
 - (B) Side Yard. There shall be a side yard on each side of the main building. On the interior side the setback shall be 5 feet. A corner lot shall have 10 feet of side yard setback on the street side of the corner lot. *
 - (C) Rear Yard. There shall be a rear yard of not less than 5 feet in depth.
 - (D) Lot Area. Every lot shall have a minimum average width of not less than 50 feet and an area of not less than 5,000 square feet.

Duplexes	10,000 square feet
Triplexes	15,000 square feet
Fourplexes	20,000 square feet

* Amended January 19, 2021 - Ordinance 357

- (5) PARKING REGULATIONS.
 - (A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit.
 - (B) Uses other than Dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each 4 seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.
- (6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to that property on which the dwelling is located.

SECTION 3.4 - OPEN SPACE/PUBLIC FACILITIES "OS/PF".

USES. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "OS/PF" Open Space/Public Facilities zone shall comply with the following regulations.

(See also Ordinance 356 establishing regulations for barndominiums and cargo containers.)

- (1) PERMITTED USES. None.

(2) CONDITIONAL USES - PUBLIC OR NON-PROFIT ONLY.

- (A) Parks
- (B) Recreation areas
- (C) Community centers, including housing for senior citizens
- (D) Public utilities
- (E) Public services
- (F) Transportation improvements (Ord No. 303)

1. 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. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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:

- A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
- B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
- C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

2. 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.
3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

SECTION 3.5 - COMMERCIAL ZONE "C-1".

USES. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "C-1" Commercial Zone shall comply with the following regulations.

(See also Ordinance 356 establishing regulations for barndominiums and cargo containers.)

(1) PERMITTED USES.

- (A) Commercial activities offering goods or services establishments in which the operation takes place within wholly enclosed building.
- (B) Business, governmental or professional offices
- (C) Public park, public recreation areas and community centers
- (D) Transportation improvements (Ord No. 303)
 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 2. Construction of rest areas, weigh stations within existing rights-of-way.
 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. Emergency measures necessary 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 or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission 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.
- (2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
- (A) Commercial activities offering goods or services at which the operation takes place outside a wholly enclosed building i.e., auto sales lots, service station, drive in restaurant, etc.
 - (B) Churches.
 - (C) Agricultural support services including produce storage facilities.
 - (D) Single-family dwellings, duplexes, or apartments on second floor of structure above existing commercial uses on ground floor.
 - (E) Recreational vehicle park.
 - (F) Lodge for civic or fraternal organization.
 - (G) Government buildings and structures.
 - (H) Transportation improvements (Ord No. 303)
 1. 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. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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:

- A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
2. 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.
 3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- (3) HEIGHT. Buildings, Structures or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
 - (4) SETBACK REQUIREMENTS. In the Commercial zone, setbacks shall be as follows.
 - (A) No front yard setback is required.
 - (B) No buildings shall be constructed or located closer than 5 feet from the rear lot line.

(5) PARKING REGULATIONS.

- (A) Residential Off-Street Parking. For residential uses, two parking spaces for each dwelling unit. Off-street parking for mixed use activities may be provided on lots within 500 feet of the residential occupancy.
- (B) Off-Street Parking. A minimum of two car spaces shall be provided for each 1,500 square feet or less of the ground floor area of the building, plus two car spaces for each 1,500 square feet or less of the floor area of each additional floor, excluding the basement. This requirement does not apply for motels, which must have at least one off-street parking space per each rentable unit. The parking area above required shall be contiguous to the commercial property it serves and this provision shall be interpreted or applied so as to result in sufficient off-street parking for all employees of the business.
- (C) Parking Area Approval. Land used for parking areas in this zone shall be developed in accordance with a plan approved in writing by the City Council. The area must be surfaced with asphaltic concrete, or other type of surfacing approved by the City Council and all parking spaces shall be individually marked.

SECTION 3.6 - INDUSTRIAL "M-1".

(1) PERMITTED USES.

- (A) Those uses permitted in the C-1 zone, Section 3.5(1).
- (B) Heavy and light industrial uses as defined, which take place wholly within an enclosed building.
- (C) Transportation improvements. (Ord No. 303)
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 2. Construction of rest areas, weigh stations within existing rights-of-way.
 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. Emergency measures necessary 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 or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission 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.

(2) CONDITIONAL USES.

- (A) Those uses listed as Conditional Uses in the C-1 zone, Section 3.5(2).
- (B) Light and heavy industrial uses which take place outside an enclosed building.
- (C) Transportation improvements. (Ord No. 303)
 1. 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. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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:
 - A. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

- B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- 2. 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.
 - 3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- (3) HEIGHT. Buildings, structures, or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
 - (4) SETBACK REQUIREMENTS. In the Industrial zone, setbacks shall be as follows.
 - (A) No front yard setback is required.
 - (B) No buildings shall be constructed or located closer than 5 feet from the rear lot line.
 - (C) Interior side yard setback shall be 5 feet.
 - (D) No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or 50 feet, whichever is greater.

(5) PARKING REGULATIONS.

- (A) Off-street Parking. A minimum of two car spaces shall be provided for each 1,500 square feet or less of the ground floor area of the building, plus one car space for each employee.

SECTION 3.7 - AIRPORT OVERLAY ZONE (AO). In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Wasco State Airport and the City of Wasco. It is noted, the Wasco State Airport lies approximately 1/4 mile east of the City Limits of Wasco, as such, the Runway Protection Zone (RPZ) lies outside the City Limits and are not subject to the Zoning laws of the City. The Airport Imaginary Surfaces are shown on the current Airport approach and Clear Zone Map, prepared by Tenneson Engineering Corporation and is attached as Exhibit 1. This overlay zone is intended to prevent the establishment of air space obstructions in airport air space through height restrictions and other land use controls as deemed essential to protect health, safety and welfare of the people of the City of Wasco.

- (1) 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 provisions shall apply.

(2) SPECIAL DEFINITIONS.

- (A) *Airport Approach Safety Zone--* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of:

1. 1,250 feet for a utility runway having only visual approaches.
2. 1,500 feet for a runway other than a utility runway having only visual approaches.
3. 2,000 feet for a utility runway having a non-precision instrument approach.
4. 3,500 feet for a non-precision instrument runway other than utility having visibility minimums greater than three-fourths (3/4) of a statute mile.

The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet at a slope of twenty feet (20') for each foot upward (20:1) for all

utility and visual runways and 10,000 feet at a slope of thirty-four feet (34') for each one foot upward (34:1) for all non-precision instrument runways other than utility.

- (B) *Airport Hazard*--Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- (C) *Airport Imaginary Surfaces*--Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- (D) *Conical Surface*--Extends one foot upward for each twenty feet (20') outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000) feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet from all non-precision instrument runways other than utility at one-hundred fifty feet (150') above the airport elevation and upward extending to a height of three-hundred fifty feet (350') above the airport elevation.
- (E) *Horizontal Surface*--A horizontal plan one-hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
- (F) *Noise Sensitive Areas*--Areas within the fifty-five (55) Ldn contour as shown on Exhibit 1.
- (G) *Place of Public Assembly*--A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.
- (H) *Primary Surface*--A surface longitudinally centered on a runway.

When the runway has a specially prepared hard surface, the Primary Surface extends two hundred (200') beyond each end of that runway.

When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway.

The width of the Primary Surface is two-hundred fifty-feet (250') for Utility Runways having only visual approaches, five hundred feet (500') for Utility Runways having non-precision instrument approaches and five hundred (500') for other than utility runways.

- (I) *Runaway 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 beyond the end of the areas usable for take off or landing and extends 1000 feet to a width of 450 feet for utility runways having only visual approaches.
- (J) *Structure*--Any manmade object either permanent or temporary, including mobile objects.
- (K) *Transitional Zones*--Extended one foot upward for each seven feet (7') outward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of one-hundred fifty feet (150') above the airport elevation (Horizontal Surface).
- (L) *Tree*--Any object of natural growth.
- (M) *Utility Runway*--A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- (N) *Visual Runway*--A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures that has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

(3) PERMITTED USES WITHIN THE AIRPORT OVERLAY ZONES.

- (A) Any uses which are permitted outright in the underlying zone are allowed except as provided in subsection 5 below.

(4) CONDITIONAL USES WITHIN THE AIRPORT OVERLAY ZONE.

- (A) Any conditional uses listed in the underlying zone which are allowed except as provided in subsection 5 below.

(5) PROHIBITED USES.

- (A) New structures or buildings are not allowed within the Runway Protection Zone.
- (B) The siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors.

(6) USE AND DEVELOPMENT LIMITATIONS.

- (A) No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in subsection 2(C).
- (B) No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.
- (C) Any proposed water impoundments within the City shall meet the requirements of ORS 836.623(2) through (6).
- (D) In noise sensitive areas (the Ldn 55 noise contour) a Declaration of anticipated noise from the aircraft shall be recorded against the property in the deed records of Sherman County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of final plat approval for land divisions.
- (E) Within the Airport Overlay Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any new partition or subdivision plat, and shall be recorded against the property in the deed records of Sherman County at the time the plat is recorded. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

(7) NONCONFORMING USES.

- (A) The regulations for this overlay district shall not be construed to require the removal, lowering, or alteration of any structure not conforming to such regulations. The regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or

alteration of which was begun prior to the effective date of this Airport Overlay Zone.

- (B) Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon Aeronautics is hereby required to permit the installation, operation, and maintenance of obstruction markers as deemed necessary by the Oregon Aeronautics. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

(8) VARIANCES.

- (A) Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in this Ordinance may apply for a variance.
- (B) Application for Variance must be accompanied by a determination from Oregon Aeronautics and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.
- (C) Any variance granted may be conditioned as to require the owner of the structure to install, operate and maintain, at the owner's expense, obstruction markers.

(9) NOTICE TO AERONAUTICS REQUIRED.

- (A) Any proposed quasi judicial Comprehensive Plan Map, or Zoning Map amendment involving property within 5,000 feet of the end of the runway shall require notice to the Oregon Aeronautics Division in accordance with ORS 227.175. The notice shall be provided by mail within twenty (20) days of the public hearing before the City Council.

Article 4 Supplementary Provisions

SECTION 4.1 - MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

SECTION 4.2 - ACCESS. Every lot shall abut a street, other than an alley, for at least 25 feet.

SECTION 4.3 - GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

SECTION 4.4 - FENCES. **Amended by Ordinance 360**

SECTION 4.5 - HISTORIC STRUCTURE PRESERVATION. Upon receiving an application for demolition or major exterior alteration involving an historic area, site, structure or object, as designated by the Comprehensive Plan, the City Council in a public meeting shall review the application to determine its conformance with the Historic Preservation factors of this ordinance.

Demolition Procedure - If it is determined the Land Use action will result in the demolition or extensive exterior modification of any historical building, the City Council shall review the application taking into account the following:

- (1) State of repair of the building.
- (2) The reasonableness of the cost of restoration or repair.
- (3) The purpose of preserving such designated historical building and sites.
- (4) The character of the neighborhood.
- (5) All other factors the City Council feels are appropriate.

Following the City Council review, the City Council may approve or deny the permit for Land Use action or delay action for sixty (60) days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The City Council,

upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

Major Exterior Alteration Procedure - Exterior alterations shall be in accordance with the following:

- (1) Upon receipt of an application for a major exterior alteration of a historic structure listed in the Comprehensive Plan, the City Council, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
- (2) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.
- (3) All applications for major exterior alteration shall be accomplished by plans and specifications of the proposed alteration. The City Council may request additional sketches and other information deemed necessary to make an informed decision.
- (4) In order to approve the application, the City Council shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or Find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the City Council deems it necessary to achieve the above objectives. The City Council shall disapprove the request if the proposal would reduce the resource's value or historic significance.

Conditions attached to a permit for major exterior alteration of a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.

The City Council shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

- (5) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

SECTION 4.6 - MOBILE HOMES AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS. When a mobile home or residential trailer is installed in a Mobile Home Park, it shall comply with the state installation standards. The mobile home or residential trailer shall comply with the following additional provisions.

- (1) The mobile home or residential trailer shall have an Oregon insignia. No reconstruction or equipment installation shall have been made to the mobile home unless it has been state approved as evidenced by an appropriate insignia. Before installation, the mobile home or residential trailer shall be inspected by the Building Official and installation shall be approved only if the Building Official determines the mobile home or residential trailer substantially meets the state standards for mobile home construction, and notwithstanding any deterioration which may have occurred.
- (2) The mobile home or residential trailer shall be tied down with devices to meet state standards.
- (3) The mobile home or residential trailer shall have a water closet, lavatory, and bathtub or shower.
- (4) The mobile home or residential trailer shall have a kitchen area or room containing a sink.
- (5) The mobile home or residential trailer plumbing shall be connected to the City potable water supply and sewage disposal system.
- (6) The mobile home or residential trailer shall have continuous fireproof skirting.
- (7) Except for a structure which conforms to the state definition of a mobile home accessory structure, no extension shall be attached to the mobile home or residential trailer. Accessory buildings shall be separated from the mobile home by not less than 5 feet.
- (8) The mobile home or residential trailer shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device.

The area of a mobile home accessory structure shall not be included.

SECTION 4.7 MANUFACTURED HOME SITING STANDARDS. Manufactured homes meeting the following criteria are allowed on individual lots in specified residential zones.

- (1) Only those manufactured homes used as permanent residences, and

- (A) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
- (B) The manufactured home shall have a foundation of sufficient strength to support the loads imposed by the manufactured home as specified by the manufacturer's installation instructions. Manufactured home placements shall be reviewed and approved by the City's designated building official. In the absence of the specific manufactured home installation instructions, installation of the manufactured home shall follow the installation requirements outlined in Oregon Administrative Rules, Chapter 918. Skirting of a noncorrosive, noncombustible material which matches the exterior color of the unit shall be provided.
- (C) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
- (D) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

SECTION 4.8 - BED AND BREAKFAST FACILITIES DEVELOPMENT STANDARDS. A bed and breakfast facility approved as a conditional use in the residential zones of the City shall have the following approval standards.

- (1) The structure shall retain the characteristics of a single-family dwelling.
- (2) The number of guest rooms shall be limited to five (5) and the number of guests shall be limited to ten (10).
- (3) In addition to the required off-street parking for each residential use, one (1) off-street parking space for each bedroom shall be provided.
- (4) Signs shall be limited to one non-illuminated sign, not exceeding one and one-half (1-1/2) square feet. No off-premises signs are permitted.
- (5) Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.

SECTION 4.9 - EARTH MOVEMENT AND REMOVAL. A written permit approved by the City Council shall be required to remove 50 cubic yards or more of earth material from any individual property within a calendar year.

SECTION 4.10 - HELIPORT STANDARDS.

- (1) PURPOSE. The purpose of these standards is to provide for sites reserved for the landing and takeoff of helicopters, loading and unloading of passengers and cargos. Heliports are conditionally allowed as necessary public facilities.
- (2) STANDARDS. The City Council may require an annual review of a conditional use permit for a heliport if it determines that the area could develop in the future with other uses. In addition to the information required for a conditional use permit, the applicant is required to submit to the City Council prior to approval:
 - (A) A State of Oregon airport license issued by the Oregon Aeronautics Section, and
 - (B) A map showing the flight pattern for landings and takeoffs.

SECTION 4.11 - SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

AMENDED BY ORDINANCE 362 10/17/23

AMENDED BY ORDINANCE 362

SECTION 4.12 - VISION CLEARANCE AREA.

- (1) Corner lots or parcels in all residential zones shall be provided with and maintain a vision clearance area. A "vision clearance area" is defined as a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points twelve (12) feet back from their intersection.
- (2) The vision clearance area shall provide an area of unobstructed vision from three and one-half (3-1/2) feet to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

SECTION 4.13 – ADDITIONAL CONDITIONS TO DEVELOPMENT PROPOSALS.

The City may require additional conditions for development proposals. (Ord No. 303)

- (1) The proposed use shall not reduce the level of service (LOS) below a D rating for the public transportation system. For developments that are likely to generate more than a V/C ratio of 75 or greater, the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.
See also Ordinance 332.
- (2) The determination of the scope, area, and content of the traffic impact study shall be coordinated with the provider of the affected transportation facility, i.e. city, county, or state.
- (3) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.
- (4) Construction of the developer's fair share of improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or roads that serve the proposed use where necessary to mitigate
See also Ordinance 309 establishing regulations for RV storage.

SECTION 4.14 – ACCESS MANAGEMENT. (Ord No. 303)

- (1) GENERAL.
The intent of this section is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This ordinance shall apply to all arterials and collectors within the City of Wasco and to all properties that abut these roadways. This ordinance is adopted to implement the access management policies of the City of Wasco as set forth in the Transportation System Plan.
- (2) CORNER CLEARANCE.
 - (A) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

Functional Classification	Access Category	Urban/Rural	Intersection				Signal Spacing	Median Control
			Public Road		Private Drive			
			Type	Spacing	Type	Spacing		
Arterial ¹	Urban/Other	U	At grade	770 ft			NA	NA
Collector	NA	R	At grade	700 ft	Lt./Rt. Turns	1,200 ft.	NA	NA
Local Street	NA	R	At grade	200-400 ft	Lt./Rt. Turns	Vary	NA	NA

(B) It should be noted that existing developments and legal accesses on the transportation network would not be affected by the recommended access management standards until one or more of the following actions is taken:

1. Either a land use action is proposed,
2. A safety or capacity deficiency is identified that requires specific mitigation,
3. A specific access management strategy/plan is developed,
4. Redevelopment of existing properties along the highway occurs, or
5. A major construction project is begun on the street.

(C) New connections shall not be permitted within the functional area of an intersection or interchange as defined in paragraph 1 above, unless no other reasonable access to the property is available.

(D) Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

(3) JOINT AND CROSS ACCESS.

(A) Adjacent commercial or office shall provide a cross access drive and pedestrian access to allow circulation between sites.

(B) A system of joint use driveways and cross access easements shall be established wherever feasible.

¹ Management of access to State Highway is controlled by Oregon Department of Transportation. The 1999 Highway Plan and OAR 734.051. *Deviations to access standards may be granted following the processes outlined in the Oregon Administrative Rules*

- (C) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
 - (D) Pursuant to this section, property owners shall:
 - 1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - 2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
 - (E) The City may reduce required separation distance of access points on streets under the City's jurisdiction where they prove impractical, provided all of the following requirements are met:
 - 1. Joint access driveways and cross access easements are provided in accordance with this section.
 - 2. The site plan incorporates a unified access and circulation system in accordance with this section.
 - 3. The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
 - (F) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.
- (4) ACCESS CONNECTION AND DRIVEWAY DESIGN.
- (A) Driveways shall meet the following standards:
 - 1. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and a maximum

width of 12 feet and shall have appropriate signage designating the driveway as a one way connection.

2. For two-way access, each lane shall have a minimum width of 16 feet and a maximum width of 24 feet.

(B) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view of the street for a distance based on the stopping distance of a vehicle traveling at the posted speed of the street. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

(C) The length of driveways shall be designed in accordance with the anticipated storage length needed for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

(5) REQUIREMENTS FOR PHASED DEVELOPMENT PLANS.

(A) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

(B) All access must be internal to the development using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

(6) REVERSE FRONTAGE.

(A) Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.

(B) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the

arterial shall be dedicated to the appropriate local jurisdiction or state agency and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

(7) SHARED ACCESS.

- (A) Subdivisions with frontage on the state highway system with no reasonable alternate means of access shall be designed into shared access points to and from the highway. If access off of a secondary road is possible, then direct access may not be allowed onto the state highway. If access off of a secondary road becomes available, then conversion to that access is required, along with closing the state highway access.

(8) LOT WIDTH-TO-DEPTH RATIOS.

- (A) To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature.

(9) CONNECTIVITY.

- (A) The road system of proposed subdivisions shall be designed to connect with existing, proposed, and planned roads outside of the subdivision as provided in this section.
- (B) Wherever a proposed development abuts unplatted land or a future development phase of the same development, road stubs shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.
- (C) Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

- (D) Culs-de-sac or permanent dead-end roads may be used as part of a development plan. However, through roads are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting roads infeasible. Where culs-de-sac are planned, accessways shall be provided connecting the ends of culs-de-sac to each other, to other roads, or to neighborhood activity centers.

(10) VARIANCES TO ACCESS MANAGEMENT STANDARDS.

- (A) The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- (B) Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - 1. Indirect or restricted access cannot be obtained;
 - 2. No engineering or construction solutions can be applied to mitigate the condition; and
 - 3. No alternative access is available from a road with a lower functional classification than the primary roadway.
- (C) No variance shall be granted where such hardship is self-created.

(11) NONCONFORMING ACCESS FEATURES.

- (A) Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - 1. When new access connection permits are requested;
 - 2. Change in use or enlargements or improvements that will increase trip generation by more than 10%.

SECTION 4.15 – PEDESTRIAN AND BICYCLE ACCESS AND FACILITIES.

(Ord No. 303)

(1) GENERAL.

The purpose of this section is to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets

(2) On-site facilities should be provided, where appropriate, to accommodate safe and convenient pedestrian and bicycle access.

(A) Pedestrian Access and Circulation.

1. Single family residential developments shall include either public or private streets and accessways to all residential dwellings within the development.
2. Sidewalks shall be required along arterials, collectors, and on local streets should, based on the average daily traffic on the street preclude the safe use of the street by pedestrians.
3. Pedestrian circulation should be provided in new commercial, office, and multi-family residential developments.

(B) Bicycle Parking.

1. New development should consider providing bicycle parking facilities as appropriate.

(C) Commercial Development Standards.

1. New commercial buildings, particularly retail shopping and offices, should be orientated to the road where possible.
2. Off-street vehicle parking for new commercial developments should, where possible, be located at the side or behind the building(s).
3. Site plans for industrial and commercial developments should show pedestrian and bicycle facilities.

(D) Culs-de-sac should provide through connections where possible.

Article 5

Conditional Uses

SECTION 5.1 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

- (1) Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the City Council in accordance with the standards and conditions in this Article. In permitting a conditional use or the modification of a conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the City Council considers necessary to protect the best interest of the surrounding property or the City as a whole.

- (2) STANDARDS FOR GRANTING CONDITIONAL USES.
 - (A) The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.

 - (B) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

 - (C) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

 - (D) The proposal will preserve assets of particular interest to the community.

 - (E) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

- (3) PLACING CONDITIONS ON A PERMIT. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following.
 - (A) Increasing the required lot size or yard dimension

- (B) Limiting the height, size or location of buildings
 - (C) Controlling the location and number of vehicle access points
 - (D) Increasing the street width
 - (E) Increasing the number of required off-street parking spaces
 - (F) Limiting the number, size, location and lighting of signs
 - (G) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property
 - (H) Designating sites for open space
 - (I) Requiring proper drainage and pest control
 - (J) Placing time limits on the use and requiring periodic reviews
- (4) PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.
- (A) Application for a Conditional Use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
 - (B) Public Hearings on Conditional Use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing.
 - (C) Notification Action. Within 10 days after a decision has been rendered by the City Council with reference to a request for conditional use, the City shall provide the applicant with written notice of the decision of the Council.
 - (D) Time Limit on a Permit for Conditional Use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend authorization for an additional 6 months on request.
 - (E) Provisions of Public Services. Conditional use permits shall only be issued if such uses do not necessitate the provision of additional public services, or

if such uses will require additional public services, for which the applicant has made provisions. In the latter instance, the City may require the proponent to assure his full and faithful performance thereof, in one of the following ways.

PLANNED UNIT DEVELOPMENT

SECTION 5.2 - APPLICABILITY OF PLANNED UNIT DEVELOPMENT REGULATIONS. The requirements for a planned unit development set forth in this chapter are in addition to the conditional use procedures and standards of Article 5 of this ordinance.

SECTION 5.3 - PURPOSE FOR PLANNED UNIT DEVELOPMENT REGULATIONS. The planned unit development authorization serves to encourage developing as one project, tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- (1) Advances in technology and design.
- (2) Recognition and resolution of problems created by increasing population density.
- (3) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- (4) The potential of sites characterized by special features of geography, topography, size or shape.

SECTION 5.4 - FINDINGS FOR PROJECT APPROVAL. The City Council may approve a planned unit development if it finds that the planned unit development will satisfy standards of both Article 5 of this ordinance and this section and including the following:

- (1) The proposed planned unit development is an effective design consistent with the Comprehensive Plan.
- (2) The applicant has sufficient financial capability to assure completion of the planned unit development

SECTION 5.5 - DIMENSIONAL AND BULK STANDARDS. A tract of land to be developed as a planned unit development shall be of a configuration that is conducive to a planned unit development.

- (1) The minimum lot area, width and frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from the planned unit development exterior property lines as required by the zone will be maintained.
- (2) Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- (3) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed.

SECTION 5.6 - COMMON OPEN SPACE. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Council as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space. At least 50% of the gross area must be dedicated as common open space.

SECTION 5.7 - DESIGN STANDARDS. Although the planned unit development concept is intended to provide flexibility of design, the following are the minimum design standards which will be allowed:

- (1) Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width. Rolled curbs and gutters may be allowed.
- (2) Utilities shall be underground where practicable.

SECTION 5.8 - ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

- (1) Golf course
- (2) Private park, lake or waterway

- (3) Recreation area
- (4) Recreation building, clubhouse or social hall
- (5) Other accessory structures which are designed to serve primarily the residents of the planned unit development, and are compatible to the design of the planned unit development.

SECTION 5.9 - APPLICATION SUBMISSION. An applicant shall include with the application for approval of a planned unit development a preliminary development plan as described in this section. The procedure for review and approval of a planned unit development is the same as contained in Article 5 of this ordinance.

SECTION 5.10 - PRELIMINARY DEVELOPMENT PLAN. A preliminary development plan shall be prepared and shall include the following information:

- (1) A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- (2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- (3) A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around buildings and structures.
- (4) Elevation and perspective drawings of proposed structures.
- (5) A development schedule indicating:
 - (A) The approximate date when construction of the project can be expected to begin.
 - (B) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. Buildings shall conform to the Uniform Building Code (UBC) as of date of issue of the building permit.
 - (C) The anticipated rate of development.

- (D) The approximate dates when each stage in the development will be completed.
 - (E) The area, location and degree of development of common open space that will be provided at each stage.
- (6) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
- (7) The following plans and diagrams:
- (A) An off-street parking and loading plan.
 - (B) A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.
 - (C) A landscaping and tree plan.
- (8) A written statement which is part of the preliminary development plan shall contain the following information.
- (A) A statement of the proposed financing.
 - (B) A statement of the present ownership of all the land included within the planned unit development.
 - (C) A general indication of the expected schedule of development.

SECTION 5.11 - APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. The approval of the preliminary development plan by the City Council shall be binding on both the City and the applicant. However, no construction shall commence on the property until approval of the final development plan is granted.

SECTION 5.12 - APPROVAL OF THE FINAL DEVELOPMENT PLAN.

- (1) The final development plan shall be submitted to the City Council within six months of the date of approval of the preliminary development plan. The City Council may extend for up to six months the period for filing of the final development plan. After review, the City Council shall approve the final

development plan if it finds the plan is in accord with the approved preliminary development plan.

- (2) A material deviation from the approved preliminary development plan shall require the preliminary development plan to be re-examined by the City Council.
- (3) Within thirty (30) days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Sherman County Clerk.

SECTION 5.13 - CONTROL OF THE DEVELOPMENT AFTER COMPLETION. The final development plan shall continue to control the planned unit development after the project is completed and the following shall apply:

- (1) The building official may issue a certificate of completion of the planned unit development, shall note the issuance on the City's copy of the recorded final development plan.
- (2) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - (A) Minor modifications of existing buildings or structures.
 - (B) A building or structure that is totally or substantially destroyed may be reconstructed.
 - (C) An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related use regulations. The procedure shall be as outlined in Section 5-9 of this Article.

Article 6 Exceptions and Variances

SECTION 6.1 - NONCONFORMING USES.

- (1) A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- (2) If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- (4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.
- (5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this ordinance provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

SECTION 6.2 - GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot. Any front yard need not exceed:

- (1) The average of the front yards on abutting lots which have buildings within 100 feet of the lot; or
- (2) The average of the front yard of a single abutting lot, which has a building within 100 feet, and the required depth for that zone.

SECTION 6.3 - GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS.

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, firepoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

SECTION 6.4 - PROJECTIONS FROM BUILDINGS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 24 inches into a required yard setback area.

SECTION 6.5 - AUTHORIZATION TO GRANT OR DENY VARIANCES. The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a variance, the City Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

SECTION 6.6 - CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted only in the event that all of the following circumstances exist.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.

SECTION 6.7 - PROCEDURE FOR GRANTING A VARIANCE.

- (1) APPLICATION FOR A VARIANCE. A property owner may initiate a request for a variance by filing an application with the City Recorder.
- (2) PUBLIC HEARING ON A VARIANCE. Before the City Council may act on a request for a variance, it shall hold a public hearing.

- (3) NOTIFICATION OF DECISION. Within 10 days after a decision has been rendered by the City Council with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the City Council.
- (4) TIME LIMIT FOR A PERMIT FOR A VARIANCE. Authorization for a variance shall be void after six (6) months, unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend the authorization for an additional six (6) months on request.

Article 7 Amendments

SECTION 7.1 - FORMS OF AMENDMENTS. An amendment to this ordinance may take the following forms.

- (1) Amendment to the text. (Legislative Revision)
- (2) Amendment to the Map. (Legislative Revision or Quasi-Judicial Change)

SECTION 7.2 - LEGISLATIVE REVISIONS.

- (1) Proposed amendments to this ordinance shall be deemed legislative revisions if:
 - (A) The proposed amendment involves the text of this ordinance, and/or
 - (B) The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Legislative revisions shall be initiated by:
 - (A) A resolution of a majority of the City Council
 - (B) The request of the City Attorney,
 - (C) The request of the City Planner.

SECTION 7.3 - QUASI-JUDICIAL CHANGES.

- (1) A proposed amendment to this ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the Zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Quasi-judicial changes may be initiated by property owners or contract purchaser or his or their authorized agent.
- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, the decision of the City Council shall be final.

SECTION 7.4 - AMENDMENT HEARINGS. The City Council shall conduct a public hearing on a proposed amendment at the earliest possible meeting after it is submitted in

accordance with the public hearing procedures under Section 8.5 of Article 8. Text and map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final hearing except as provided for under ORS 197.610.

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceeding. (Ord No. 303)
 - (A) The applicant must show that the proposed change conforms with the Comprehensive Plan.
 - (B) A zoning map or zoning text amendment significantly affects a transportation facility if it:
 1. Changes the functional classification of an existing or planned transportation facility;
 2. Changes standards implementing a functional classification system;
 3. Allows types or intensities of land use that would result in either the type or quantity or traffic, or access that would be inconsistent with the functional classification of a transportation facility as established in the adopted Transportation System Plan; or
 4. Would reduce the level of service of the facility below the minimum acceptable level for that facility established in the adopted Transportation System Plan.
 - (C) Amendments to the zoning map and text which significantly affect a transportation facility shall include mitigation measures that result in allowed land uses being consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
 2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
- (2) The courts will require a "graduated burden of proof" depending upon the drastic nature of the proposed rezoning.
 - (3) Procedural Process of a quasi-judicial hearing.
 - (A) Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.
 - (B) There must be a record which will support the findings made by the City Council.
 - (C) Pre-hearing contacts on the subject of the hearing must be disclosed at the outset of the hearing.

SECTION 7.5 - FINAL ACTION. Except as provided for under ORS 227.178, the City Council shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the City. Within 30 days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30 day period. The 120 day time period will commence on the date the application is complete.

SECTION 7.6 - NOTIFICATION OF DECISION. Within 5 working days after a final decision on an amendment to the comprehensive plan, zoning ordinance text or plan/zone map, the City Recorder shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within 5 working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615.

SECTION 7.7 - LIMITATION OF REAPPLICATIONS. No application of a property owner for an amendment to a zone boundary shall be considered by the City Council within the one year period immediately following a previous denial of such request, except the City Council may permit a new application if, in the opinion of the City Council, new evidence or a change of circumstances warrant it.

SECTION 7.8 - RECORD OF AMENDMENTS. The Recorder shall maintain records of amendments to this ordinance.

Article 8 Administrative Provisions

SECTION 8.1 - ADMINISTRATION. The City Recorder is appointed by the City Council and shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by the City Recorder regarding a requirement of the ordinance may be made only to the City Council.

SECTION 8.2 - BUILDING PERMIT REQUIRED. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City ordinance at the time the application is filed.

SECTION 8.3 - FORM OF PETITIONS, APPLICATIONS AND APPEALS. All petitions, applications, and appeals provided for in this ordinance shall be made on the forms provided by the County.

SECTION 8.4 - FILING FEES.

- (1) The City of Wasco, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City must rely upon professional consultants to assist preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, attendance at Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budget, the City finds it necessary to transfer those administrative costs to the applicant as a part of the land use planning process.
- (2) The fees for City land use applications shall be established by resolution of the Wasco City Council.
- (3) No application filed shall be acted upon until the required fee is paid.

(Sec 8.4 Amended February 2, 2023 - Ordinance 361)

SECTION 8.5 - PUBLIC HEARINGS.

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least twenty days prior to the date of hearing.
- (2) In addition, a notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to owners of property within 100 feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least ten (10) days prior to the date of the hearing. *

* Amended January 19, 2021 - Ordinance 357

Said notice shall - - -

- (A) Explain the nature of the application and the proposed use or uses which could be authorized, ORS 197.763(3)(a).
- (B) List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b).
- (C) Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c).
- (D) State the date, time, and location of the hearing, ORS 197.763(3)(d).
- (E) State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue, ORS 197.763(3)(3) [and ORS 197.763(1)1.
- (F) State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e).
- (G) Include the name of a local government representative to contact and a telephone number where additional information may be obtained, ORS 197.763(3)(9).
- (H) State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h).

- (I) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(i).
 - (J) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).
- (3) If a proposed zone boundary amendment has been initiated by the City Council and is declared by the City Council to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.

SECTION 8.6 - AUTHORIZATION OF SIMILAR USES. The City Council may permit, by following the procedures outlined in Article 5, Section 5.1, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Article 9 General Provisions

SECTION 9.1 - INTERPRETATION. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

SECTION 9.2 - SEVERABILITY. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent Jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9.3 - ABATEMENT AND PENALTY.

- (1) Violation of any provision of this ordinance or of any amendment of this ordinance is punishable upon conviction by a fine of not more than \$100.00 for each day of violation where the offense is a continuing offense.

- (2) In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

SECTION 9.4 - REPEALER. Ordinance No. 98 and all amendments thereto are hereby repealed.

**Article 10
Adoption**

1. This proposed ordinances was presented to the Wasco City Council in March, 1998.
2. The Wasco City Council made this Zoning Ordinance amendments available to the public and conducted a legislative hearings on October 19, November 16, and November 30, 1998.
3. At the close of the public hearings, Council moved unanimously to adopt this Zoning Ordinance by reference with the City Ordinance No.____.

Read for the first time _____, 1998.

Read for the second time by title only: _____, 1998.

Read for the third time and passed: _____, 1998.

Approved by the Mayor: _____, 1998.

CITY OF WASCO, OREGON

Mayor

ATTEST:

City Recorder

DAILY PROGRESS REPORT

Client High Desert DATE September 13, 2020

Project _____ W.O.# 15584

CREW MEMBERS (1) _____ (2) _____
(3) _____ (4) _____

VEHICLE No. _____

SPEEDOMETER READING: FINISH _____
START _____
TOTAL MILEAGE _____

TIME BREAKDOWN: TRAVEL _____
FIELD _____

OFFICE: _____
DESC. PREPARATION _____
NOTE RED./DRAFTING _____
COMPUTER _____
MISC. _____
TOTAL OFFICE 13:30
TOTAL TIME 13:30

MATERIALS USED: STAKES/LATH/HUB _____
MISCELLANEOUS _____

DESCRIPTION OF WORK:

Surface Model

REMARKS:

Bill separate

SIGNED Kelly McCargar

Ordinance 308

CITY OF WASCO

A Temporary Ordinance to Establish Regulations for Temporary Use of Recreational Vehicles in the City for an Extended Period of Time and Declaring an Emergency

The City of Wasco hereby ordains:

Section 1

This is a Temporary Ordinance to be applied in conjunction with the City's Zoning Ordinance. The purpose of this Temporary Ordinance is to assist the City in meeting the immediate need for temporary housing for the influx of construction workers involved in the wind farm projects currently underway in North Central Oregon at this time. This is a temporary situation and this Ordinance and provisions contained herein may be rescinded, repealed, and deemed null and void at the sole discretion of the Wasco City Council by majority vote. At such time, all temporary Recreational Vehicles allowed and permitted under this Ordinance must be removed from the properties on which they were placed. There are no "grandfather rights" or existing use provisions associated with this Temporary Ordinance.

Section 2

As used in this section, a Recreational Vehicle shall also mean *any vehicle commonly termed as a motor home, RV, fifth-wheel, travel trailer, pickup camper, or tent trailer*. As used in this section, developed residential property shall mean *a residential lot at least 50' x 100' (5,000 square feet) that contains an existing occupied single family dwelling*. An "undeveloped residential property" shall mean *a lot or parcel for which City domestic water and sewer service may or may not have been provided, but is otherwise vacant and without structures*.

Section 3

The use of one (1) recreational vehicle as a temporary accommodation for housing may be allowed at the discretion of the City Council, for the purposes of resolving the current temporary housing shortage for construction workers. The recreational vehicle must be placed on "developed residential property". The unit may be skirted and must be connected to domestic water and sewer service. Any other utilities, power, phone or other services must be installed to meet either Building Codes or the provider's standards. The applicant (the property owner) must pay a Recreational Vehicle Placement Permit filing fee of \$250 after Council review and approval of the proposed siting plan and Placement Permit. In addition, monthly service fees for the water and sewer service must also be paid to the City. The permit must be renewed every six (6) months from the date of the original approval. Renewal fee shall be \$50.00. The siting standards for recreational vehicles sited under these provisions shall be that the unit shall comply with all yard setback requirements appropriate to the zone in which it is to be placed, and shall not be parked on, in, or in any obstruct the public right-of-way.

Section 4

Property owners with additional undeveloped residential lots at least 50' x 100' (5,000 square feet) may also create temporary rental sites for a single recreational vehicle occupancy per lot or parcel. A Recreational Vehicle Temporary Placement Permit, as outlined above, shall be required. The unit may be skirted and must be connected to City domestic water and sewer service. Any other utilities, power, phone or other services must be installed to meet either Building Codes or the provider's standards. Monthly fees, as outlined above, shall be paid to the City. The permit must be renewed every six (6) months, as outlined above. The unit must meet all setback requirements in its location on the lot, and must not interfere with the public right-of-way. The

siting standards for recreational vehicles sited under these provisions shall be such that the unit shall comply with all required setbacks appropriate to the zone in which it is to be placed and shall not be parked on, in or in any way obstruct the public right-of-way.

Section 5

In as much as the health, safety and general welfare of the community is best served by enacting this ordinance amendment immediately an emergency is deemed to exist and this Ordinance shall be in full force and effect upon its passage by the Common Council of the City of Wasco.

APPROVED by the Common Council of the City of Wasco and signed by the Mayor on this

17th day of August, 2010.

CITY OF WASCO

Amy K. Asher
Mayor

ATTEST: Cassie Strype
City Clerk

Ordinance 309

CITY OF WASCO

**An Ordinance Amending the City Zoning Ordinance to Establish Regulations
for Recreational Vehicle Storage and Declaring an Emergency**

The City of Wasco hereby ordains:

The following material is added to the City's Zoning Ordinance as Section 4.13.

Section 4.13. As used in this section, a Recreational Vehicle shall also mean *any vehicle commonly termed as a motor home, RV, fifth-wheel, travel trailer, pickup camper, or tent trailer*. As used in this section, a developed residential property shall mean a *residential lot or parcel at least 50'x100' (5,000 square feet) that contains an existing occupied single-family dwelling upon it*.

Section 1 Parking/Storage of Unoccupied Recreational Vehicles on Residential Property.

- (a) No more than two unoccupied recreational vehicles may be stored on any residential property at any one time.
- (b) The outside parking-storage of unoccupied recreational vehicles is permitted on "developed residential property" with an established residential use. Said parking shall be within the side or rear yard and shall not extend into the public right-of-way, nor obstruct the clear vision area. An unoccupied recreational vehicle shall not be used for living quarters or business while parked or stored.
- (c) Property owners with additional undeveloped residential lots at least 50' x 100' (5,000 square feet) may also park or store up to two unoccupied recreational vehicles per lot or parcel. An unoccupied recreational vehicle shall not be parked on, in, or in any way obstruct public right-of-way, and shall not be used for living quarters or business while parked or stored.

Section 2 Temporary Use of Recreational Vehicle on Residential Property

One (1) recreational vehicle may be used as temporary accommodation to allow the property owner to construct a permanent residence or remodel an existing residence on the lot. The use of the recreational vehicle shall be authorized with the written approval of the City Clerk upon receipt of an approved site plan and construction schedule, and such shall not exceed one (1) year in duration, unless authorized by the City Clerk. The unit may be placed on the site only upon receipt of a valid building permit for a single-family dwelling and must be removed from occupancy within seven (7) days of completion of the residence. The unit shall comply with all yard setbacks appropriate to the zone in which it is to be placed and shall not be parked on nor in any way obstruct any public right-of-way. No person other than the owner of the residential property shall occupy the unit and the unit shall not be used as a temporary rental unit.

Section 3 Temporary Use of Recreational Vehicle Requirements

The use of one (1) recreational vehicle as temporary accommodation for guests may be allowed on "developed residential property" with an established residential use. The unit shall not be parked on nor in any way obstruct any public right-of-way, and shall be located a minimum of five (5) feet from any other structure. The unit may not be skirted and the discharge of any gray water or sewage is prohibited. The unit shall not be connected to the existing sewer service. Use of the unit shall not exceed thirty (30) days at any one time or sixty (60) days in any calendar year.

Section 4 Temporary Parking of Recreational Vehicles on the Public Right-of-way

Temporary parking of recreational vehicles shall be permitted on streets, alleys, and highways within the City for not more than seventy-two (72) hours subject to any other and further prohibitions, regulations, or ordinances for that street, alley, or highway, provided, however, that no water or sanitary facilities are used in any recreational vehicle so parked.

Section 5 Emergency Clause

In as much as the health, safety and general welfare of the community is best served by enacting this ordinance amendment immediately an emergency is deemed to exist and this Ordinance shall be in full force and effect upon its passage by the Common Council of the City of Wasco.

APPROVED by the Common Council of the City of Wasco and signed by the Mayor on this

17 day of August, 2010.

CITY OF WASCO

Mayor

ATTEST: _____
City Clerk

ORDINANCE NO. 332
CITY OF WASCO, OREGON

AN ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE, ORDINANCE #1130-98B, AS AMENDED, TO IMPLEMENT THE 2015 TRANSPORTATION PLAN, AND ESTABLISH UPDATED STREET DESIGN STANDARDS FOR ROADS AND STREETS IN THE CITY AND DECLARING AN EMERGENCY

WHEREAS, in late 2013 the County applied to the Oregon Department of Transportation for a grant to assist in updating the County's Transportation System Plan. The existing Plan at that time had been prepared in 2003 by ODOT Field Personnel and the County Planning and Economic Development Staff and was becoming outdated; and

WHEREAS, the Oregon Department of Transportation funded the project near the be of 2014 and began a selection process to select a qualified consultant to assist the County in preparing the updated Transportation System Plan; and

WHEREAS, Kittelson & Associates of Bend, Oregon, was selected and was given an official notice to proceed on December 19, 2014; and

WHEREAS, the scope of the work is to provide an updated Transportation System Plan which serves Sherman County and the four incorporated Cities of Rufus, Wasco, Moro and Grass Valley; and

WHEREAS, the consultants began work preparing the updated Transportation System Plan, and at regular intervals, provided the established Public Advisory Committee with a number of workshops to review the Plan material as it became available. There were three

public workshops conducted beginning on March 18, 2015, the second on May 6, 2015, and the third on August 5, 2015; and

WHEREAS, the Department of Land Conservation and Development was notified of a Post Acknowledgment Plan Amendment on September 15, 2015; and

WHEREAS, the City Council conducted a public hearing on October 20, 2015, at the close of the public hearing, the City Council moved unanimously to amend the City's Zoning Ordinance to update the Street Design Standards for future street development in the City.

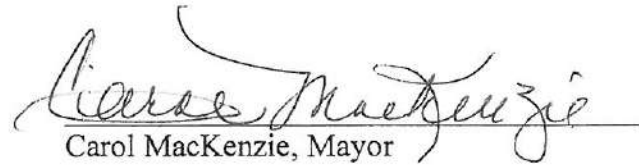
NOW, THEREFORE, the Common Council of the City of Wasco hereby ordains:

The following Sections of the City's Zoning Ordinance are amended as follows:

Section 1: Section 4.13(1) is revised to read: **For developments that are likely to generate more than 50 daily trips, the applicant shall provide adequate information, such as a traffic study or traffic counts, to demonstrate the level of impact on the surrounding road system.**

EMERGENCY CLAUSE

Inasmuch as the safety, health, and welfare of the citizens of the City are impacted, it is important to have current plans in effect as quickly as possible. An emergency is deemed to exist and this ordinance shall begin full force and in effect upon approval by the City Council and signed by the Mayor.


Carol MacKenzie, Mayor

ATTEST


Cassie Strege, City Recorder

ORDINANCE NO. 356

AN ORDINANCE AMENDING THE WASCO ZONING ORDINANCE, ORDINANCE 1130-98B TO ESTABLISH REGULATIONS FOR BARN'DIMINIUMS AND CARGO CONTAINERS FOR STORAGE IN CERTAIN ZONES OF THE CITY

Whereas, it is a goal of the Wasco City Council to maintain the quality of neighborhoods within the City of Wasco; and

Whereas, the Wasco City Council has determined that metal structures designed for agricultural purposes or carrying freight or metal structures designed for agricultural, industrial or commercial use and converted to incorporate a living quarters are not appropriate as an accessory structure or dwelling structure in the residential, commercial, and open space areas;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WASCO ORDAINS AS FOLLOWS:

SECTION A. AMENDMENTS TO THE CITY ZONING ORDINANCE THE FOLLOWING SECTIONS OF THE CITY ZONING ORDINANCE SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1.3 - DEFINITIONS.

Add item: (9) BARN'DMINIUM. A steel structure originally intended for agricultural, commercial or industrial use that is placed upon a lot or parcel and has living quarters constructed within it to serve as a single family residence.

Add item: (13) CARGO CONTAINER. A standardized, portable metal container originally designed for the use of shipping or transportation of freight converted into a single family dwelling or outdoor storage. Definition includes portable storage containers of similar characteristics and visual appearance.

SECTION 3.1 - AGRICULTURE ZONE "A-1".

Add item: (3) PROHIBITED USES.

- (A) Use of Cargo Containers as defined for on-site storage of property, documents, equipment, or goods in the A-1 Zone is not permitted. Except as portable storage containers allowed to be on site for no more than 14 days.
- (B) Cargo Containers as defined are not permitted as single family dwellings in the A-1 Zone.
- (C) Barn'diminiums as defined are not permitted as single family dwellings in the A-1 Zone.

SECTION 3.2 - RESIDENTIAL ZONE "R-1".

Add item: (3) PROHIBITED USES.

- (A) Use of Cargo Containers as defined for on-site storage of property, documents, equipment, or goods in the R-1 Zone is not permitted. Except as portable storage containers allowed to be on site for no more than 14 days.
- (B) Cargo Containers as defined are not permitted as single family dwellings in the R-1 Zone.
- (C) Barn'diminiums as defined are not permitted as single family dwellings in the R-1 Zone.

SECTION 3.3 - RESIDENTIAL ZONE "R-2".

Add item: (3) PROHIBITED USES.

- (A) Use of Cargo Containers as defined for on-site storage of property, documents, equipment, or goods in the R-2 Zone is not permitted. Except as portable storage containers allowed to be on site for no more than 14 days.
- (B) Cargo Containers as defined are not permitted as single family dwellings in the R-2 Zone.
- (C) Barn'diminiums as defined are not permitted as single family dwellings in the R-2 Zone.

SECTION 3.4 - OPEN SPACE/PUBLIC FACILITIES "OS/PF".

Add item: (3) PROHIBITED USES.

- (A) Use of Cargo Containers as defined for on-site storage of property, documents, equipment, or goods in the OS/PF Zone is not permitted. Except as portable storage containers allowed to be on site for no more than 14 days.

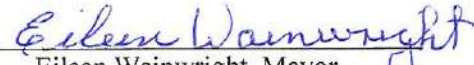
SECTION 3.5 - COMMERCIAL ZONE "C-1".

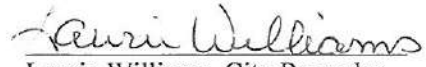
Add item: (3) PROHIBITED USES.

- (A) Use of Cargo Containers as defined for on-site storage of property, documents, equipment, or goods in the C-1 Zone is not permitted. Except as portable storage containers allowed to be on site for no more than 14 days.
- (B) Cargo Containers as defined are not permitted as single family dwellings in the C-1 Zone.
- (C) Barn'diminiums as defined are not permitted as single family dwellings in the C-1 Zone.

Passed and approved by the Common Council and signed by the Mayor of the City of Wasco,
Oregon on the 18th day of August 2020.

ATTEST:


Eileen Wainwright, Mayor


Laurie Williams, City Recorder

CITY OF WASCO
ORDINANCE NO. 357

**AN ORDINANCE AMENDING THE CITY OF WASCO
ORDINANCE #1130-98B, AS AMENDED IN 2003 BY THE TRANSPORTATION SYSTEM
PLAN ORDINANCE PROVISIONS, TO CHANGE THE SETBACK REQUIREMENTS IN THE
R-2 ZONE TO REDUCE THE SETBACK DISTANCES CURRENTLY REQUIRED AND
DECLARING AN EMERGENCY**

SECTION A. LEGISLATIVE FINDINGS:

1. The City has found that the setbacks in the R-2 Zone, although they have been there historically for many years, reduce the size of the actual building envelope on a 5,000 square foot lot.
2. The City has gone through the Post Acknowledgement Plan Amendment process for a legislative amendment.
3. A public hearing before the City Council was held on January 19, 2021.

NOW, THEREFORE, the City of Wasco hereby ordains:

1. Item 3.3.4.(a): There shall be a front yard of not less than 20 feet in depth.
2. Item 3.3.4.(b): There shall be a side yard on each side of the main building. On the interior side the setback shall be 5 feet. A corner lot shall have 10 feet of side yard setback on the street side of the corner lot.
3. Item 8.5.2: The notice of a hearing shall be mailed at least ten (10) days prior to the date of the hearing.

SECTION B. EMERGENCY CLAUSE: The Common Council for the City of Wasco finds that this Ordinance is necessary for the immediate peace, health, and safety of the community and, therefore, declares an emergency. This Ordinance shall take effect upon passage.

APPROVED BY THE COMMON COUNCIL OF THE CITY OF WASCO and signed by the Mayor
this 19th day of January 2021

CITY OF WASCO

Beth McQuay
(Mayor)

Original in file
ATTEST:

Lauri Anderson
(City Recorder)

**CITY OF WASCO
ORDINANCE NO. 360**

**AN ORDINANCE AMENDING THE CITY OF WASCO ORDINANCE #1130-98B,
AS AMENDED BY THE TRANSPORTATION SYSTEM PLAN ORDINANCE
PROVISIONS, TO CHANGE THE FENCE AND HEDGE ELEVATION
REQUIREMENTS, ADDING HEIGHT RESTRICTIONS IN SETBACKS,
REPEALING SECTION 15 OF ORDINANCE NO. 359 (WASCO NUISANCE
ORDINANCE) AND ADDING BARBED WIRE AND ELECTRICAL FENCING
RESTRICTIONS**

WHEREAS, the City has found that the requirement in Section 4.4 of the City of Wasco Zoning Ordinance setting a height limit of six feet above the street curb elevation for fences and hedges puts an unfair burden on properties that are above curb elevation.

WHEREAS, the City has found that the current Zoning Ordinance does not contain vision clearance requirements for properties that are not corner lots or parcels. An area of unobstructed vision at all properties abutting roadways, sidewalks, and driveways is necessary for traffic and pedestrian safety.

WHEREAS, the City has found that Section 15 of Ordinance No. 359 (Wasco Nuisance Ordinance) setting forth barbed wire and electrical fencing restrictions would be more appropriately located with the fence regulations in the City of Wasco Zoning Ordinance.

WHEREAS, the City has gone through the Post Acknowledgement Plan Amendment process for a legislative amendment.

WHEREAS, a public hearing before the City Council was held on February 21, 2023.

NOW, THEREFORE, the City of Wasco Ordains as follows:

SECTION 1. Section 15 of Ordinance No. 359 (Wasco Nuisance Ordinance) is repealed.

SECTION 2. Section 4.4 of the City of Wasco Zoning Ordinance is amended in its entirety to read as follows:

SECTION 4.4 – FENCES.

- (1) This section applies to all lots or parcels within the City of Wasco. Additional vision clearance requirements for corner lots or parcels in Residential Zones are set forth in Section 4.12 of the Wasco Zoning Ordinance.
- (2) Definitions:

- a. "Fence" A structure constructed of posts, rails, wire, panels, etc. used to define a boundary or as a means of protection, confinement, or visual screen.
 - i. "Open Fence" A fence constructed in such a way that no more than 20% of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.
 - ii. "Solid Fence" A fence constructed in such a way so that more than 20% of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

 - b. "Gate" A movable frame or structure which swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation.
 - i. "Open Gate" A gate constructed in such a way that no more than 20% of the surface area of the gate obstructs a view through the gate from a position perpendicular to the gate.
 - ii. "Solid Gate" A gate constructed in such a way so that more than 20% of the surface area of the gate obstructs a view through the fence from a position perpendicular to the gate.

 - c. "Height" The vertical distance from the ground directly under a fence, wall structure, hedge, planting, or temporary or permanent obstruction to the highest point of same fence, wall structure, hedge, planting, or temporary or permanent obstruction.
- (3) Solid Fences, Solid Gates, wall structures, hedges, plantings, and temporary or permanent obstructions located within 10 (ten) feet of any street or sidewalk cannot exceed 3½ (three and one half) feet in height. This includes Solid Fences, Solid Gates, wall structures, hedges, plantings, and temporary or permanent obstructions located on side property lines within 10 (ten) feet of any street or sidewalk. Open Fences, Open Gates, natural topographic features, utility poles, and tree trunks delimbed to a height of 8 (eight) feet are excluded from this requirement.
 - (4) Beyond the limitations in Section 3 above, a fence, gate or hedge within a front, side or rear yard shall not exceed a height of 8 (eight) feet.
 - (5) Under no circumstances shall an owner or person in charge of property in a Residential Zone construct or maintain fencing made of barbed wire or razor wire. Barbed wire and razor wire shall be allowed in Agricultural, Commercial, and Industrial Zones, provided that such barbed wire or razor wire is attached at the top of a fence or similar structure that is not less than 6 (six) feet in height.
 - (6) No owner or person in charge of property shall construct, maintain, or operate any fence with an electrical charge sufficient to cause shock to any person.
 - (7) Variances to Section 4.4 may be considered by City Council pursuant to Wasco Zoning Ordinance Sections 6.5 through 6.7.

SECTION 3. This Ordinance shall take effect 30 days after approval by the Mayor.

APPROVED BY THE COMMON COUNCIL OF THE CITY OF WASCO and signed by the Mayor this 21st day of February 2023.

CITY OF WASCO, OREGON



Mayor

ATTEST:



City Clerk

Date: 2/21/2023

**CITY OF WASCO
ORDINANCE NO. 361**

**AN ORDINANCE AMENDING THE CITY OF WASCO ORDINANCE #1130-98B,
AS AMENDED BY THE TRANSPORTATION SYSTEM PLAN ORDINANCE
PROVISIONS, TO CHANGE THE PROCEDURE FOR ESTABLISHING LAND
USE APPLICATION FILING FEES**

SECTION A. LEGISLATIVE FINDINGS:

1. Section 8.4 of the City of Wasco's Zoning Ordinance establishes filing fees for land use applications.
2. The City has found that the current land use application fees, established in 1998, are no longer adequate to cover the cost of processing land use applications.
3. The City has found that the cost of processing land use applications is continually rising, and that land use planning fees would be more appropriately set by resolution.
4. The City has gone through the Post Acknowledgement Plan Amendment process for a legislative amendment.
5. A public hearing before the City Council was held on February 21, 2023.

NOW, THEREFORE, the City of Wasco Ordains that Section 8.4 of the City of Wasco Zoning Ordinance is amended to read:

SECTION 8.4 – FILING FEES.

- (1) The City of Wasco, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City must rely upon professional consultants to assist preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, attendance at Planning Commission and/or City Council meetings. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budget, the City finds it necessary to transfer those administrative costs to the applicant as a part of the land use planning process.
- (2) The fees for City land use applications shall be established by resolution of the Wasco City Council.
- (3) No application filed shall be acted upon until the required fee is paid.

This Ordinance shall take effect 30 days from approval.

APPROVED BY THE COMMON COUNCIL OF THE CITY OF WASCO and signed
by the Mayor this 21st day of February 2023.

CITY OF WASCO, OREGON


Mayor

ATTEST:


City Clerk

Date: 2/21/2023

**CITY OF WASCO
ORDINANCE NO. 362**

**AN ORDINANCE AMENDING THE CITY OF WASCO ORDINANCE #1130-98B,
AS AMENDED BY THE TRANSPORTATION SYSTEM PLAN ORDINANCE
PROVISIONS, TO ALLOW ELECTRONIC SIGNS IN COMMERCIAL AND
INDUSTRIAL ZONES**

WHEREAS, Article 4, Section 4.11 of the City of Wasco’s Zoning Ordinance establishes criteria for signs in commercial and industrial zones (the “Sign Ordinance”);

WHEREAS, the City has found that the current Sign Ordinance prohibits electronic message signs, which are an important tool for modern businesses to attract customers;

WHEREAS, the City has found that Section 4.11(C)(3) references ORS 483.138, which has been repealed;

WHEREAS, the City has found that Section 4.11(C)(6) potentially violates the First Amendment to the Constitution of the United States of America;

WHEREAS, the City has gone through the Post Acknowledgement Plan Amendment process for a legislative amendment; and

WHEREAS, a public hearing before the City Council was held on September 19, 2023.

NOW, THEREFORE, the City of Wasco ordains as follows:

SECTION 1. Article 4, Section 4.11, of the City of Wasco Zoning Ordinance is amended in its entirety to read as follows:

SECTION 4.11 - SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

- (1) Any signs erected or to be erected in Commercial or Industrial zones shall be reviewed and approved by the City Council and shall meet the standards outlined below. A sign application may be picked up at City Hall.
 - (A) Principal Signs. A principal sign advertising the business may be a combination of free-standing, flush-mounted or projecting signs. Freestanding and projecting sign areas are computed by totaling both sides of the signs.
 - (B) Sign Area. The amount of area of the sign is computed on a basis of one square foot of sign for each lineal foot of frontage the property or business on the public right-of-way in the City. In the case of multiple businesses

within the same building, the amount of frontage of the business within the building will be the determining factor. In the case of a corner lot, the sign size facing each street shall be limited to the amount of lineal frontage on each street. In no case shall the total signage area exceed 200 square feet for each business.


(C) Prohibited Signs. The following signs are prohibited in the City of Wasco:

1. Any flashing, moving, animated, blinking or rotating signs whose illumination changes with time or which is designed in a manner to simulate motion. Indoor electronic open signs are allowed to flash or scroll, shall only be used to display the word "open," and shall be discontinued at all hours that the building or building unit is not open to the public for its usual business purposes. Electronic message signs are permitted subject to the following limitations:
 - (a) All electronic message signs within 150 feet of a residential zone shall discontinue the display between the hours of 9:00 p.m. and 7:00 a.m.
 - (b) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited.
 - (c) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night.
2. The sign would extend, such as a roof sign, above the roof line of the building to which it is to be attached.
3. The sign is placed on, affixed to or painted on a motor vehicle, vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
4. The sign is a private sign placed on, painted on or affixed to a utility pole, tree or rock.
5. Projecting or free-standing signs which would project into the public right-of-way.
6. The sign advertises goods or services not available on the premises.

SECTION 2. This ordinance is effective 30 days after its adoption.


APPROVED BY THE COMMON COUNCIL OF THE CITY OF WASCO and signed by the Mayor this 17 day of October 2023

CITY OF WASCO, OREGON



Mayor

ATTEST:



City Clerk

Date: 10/17/2023