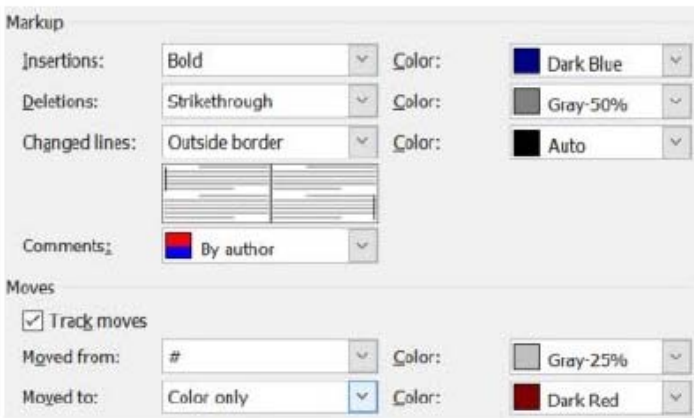




## Wasco County Land Use and Development Ordinance Update Draft Cover Sheet

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The drafts are created using track changes in Microsoft Word.

The Key to the left is a reference for how revisions are marked up in the draft.

- Text in **red**, **orange**, or **blue** (depending on the author of the text) and single underlined shows proposed new text.
- Text in **green** and double underlined shows where text has been cut & pasted and changed location
- ~~Strikethrough~~ text of any color is text that has been deleted
- Text that is specifically PICM Model Code is noted.

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**Section 1.005 - Authority**

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters [92](#), [197](#), [203](#), and [215](#).

**Section 1.010 - Title**

This Ordinance shall be known as the Wasco County Land Use and Development Ordinance.

**Section 1.020 - Purpose**

The purposes of this Ordinance are [to](#):

- [A. ~~to~~ ~~P~~](#)Promote public health, safety, convenience, and general welfare; to reduce congestion upon the streets and highways; to prevent excessive population density and the overcrowding of land;
- [B. ~~to~~ ~~P~~](#)Provide for adequate air and light;
- [C. ~~to~~ ~~C~~](#)Conserve natural resources and encourage the orderly growth of the County;
- [D. ~~to~~ ~~P~~](#)Promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection;
- [E. ~~to~~ ~~F~~](#)Facilitate adequate and economic provision for public improvements, for recreation areas, and for public utilities and services; [and](#)
- [F. ~~to~~ ~~C~~](#)Conserve, stabilize, and protect property values; and to encourage the most appropriate use of land, all in accordance with the comprehensive plan for Wasco County.

**Section 1.030 - Severability**

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not

affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

#### **Section 1.040 - Repeal**

The following ordinances, together with all amendments thereto are hereby repealed:

- "Wasco County Zoning Ordinance", adopted February 3, 1982.
- "Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982.
- "Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

#### **Section 1.050 – Effective Date**

~~This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.~~

#### **Section 1.060 - Interpretation and Scope**

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

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

#### **Section 1.070 - Compliance Required**

No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

#### **Section 1.080 - Editorial Revision**

Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to Oregon Revised Statute [173.160](#), provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning

Department, but subject to disapproval by the Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Commission, on the first regular meeting of the Commission after the directing memorandum is filed with the County Clerk.

**Section 1.090 - Definitions**

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

**AUM** (Animal Unit Month) - Unit of measure of dry forage to graze a 900 - 1000 pound cow and calf for thirty (30) days as prescribed by the NRCS Rangeland Specialist.

**Abandoned WECS** - See Wind Power Related Definitions

**Abandonment** – See Wireless Telecommunication Facilities Related Definitions

**Accepted Farming Practice** - A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. As applied to composting operations on high-value farmland, “accepted farming practice” includes composting operations that either 1) compost only materials produced on the subject tract, or 2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract.

**Access** - See Road and Access Easement Related Definitions

**Access easement** - See Road and Access Easement Related Definitions

**Accessory Structure** - A detached structure, its footprint being less than three-quarter (3/4) of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings.

**Accessory Use** - A use customarily incidental and subordinate to the primary uses and located on the same lot-of-record.

**Agricultural Building** (ORS 455.315) - A structure located on a farm or forest operation and used for:

- a. Storage, maintenance or repair of farm or forestry machinery and equipment;

- b. The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.

An agricultural building may be used for uses in addition to the uses listed above if the additional uses:

- a. Are incidental and accessory to the uses listed above.
- b. Are personal to the farm owner and the farm owner’s immediate family or household; and
- c. Do not pose a greater hazard to persons or property than the uses listed above.

ORS 455.315 (b) outlines structures not covered under the definition

**Agricultural Land** (Per OAR [660-33-020\(1\)\(a\)](#) - Means lands classified by the US Natural Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in ORS [215.203](#) taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

**Agritourism** - A common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agritourism may include farm-to-plate meals. Except for small, farm-themed parties, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agritourism.

#### **Airport Related Definitions -**

**Airport (Personal Use)** - Means pursuant OAR [660-33-130\(7\)](#), an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division.

**Airport (Public)** - A designated area for the take-off and landing of airplanes which is designed for public use by general aviation, and where aircraft service facilities are normally provided.

**Airport Approach Area** - A wedge shaped area described by boundaries where the inner edge of the Airport Approach Area coincides with each end of the runway and is two hundred and fifty (250) feet wide at each terminus. The Airport Approach Area expands outward uniformly to a width of seven hundred and fifty (750) feet at a horizontal distance of two thousand five hundred (2,500) feet from the terminus, with its centerline being the continuation of the centerline of the runway.

**Airport Clear Area** - The Airport Clear Area coincides with the Airport Approach Area for a horizontal distance of one thousand two hundred (1,200) feet from the runway termini.

**Airport Hazard** - Any structure, tree, or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.

**Airport Hazard Area** - Any area of land upon which an airport hazard might be established if not prevented.

**All Weather Road** - See Road and Access Easement Related Definitions

**Alley** - A secondary means of access to abutting property, if dedicated as a public way.

**Alteration** (Historic District/Historic Landmarks) - To remove, add to, or otherwise change the physical appearance of any part or portion of the EXTERIOR of a historic landmark, individually or within a historic district.

**Altered** - A change, addition, or modification in structure; where the term "altered" is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division or use to another.

**Anemometer** - See Wind Power Related Definitions

**Apartment** - A building or portion thereof designed for residential use and containing three or more dwelling units.

**Apartment House** - Three or more household units with walls or ceilings common to another unit.

**Appeal** - A request for a review of the interpretation of any provision of this ordinance.

**Approach Road** - See Road and Easement Related Definitions

**Approving Authority** - The County Governing Body (BOCC) or the body designated by the County Governing Body to administer all or part of this ordinance.

**Architectural Significance** - The term shall mean the historic landmark

- a. portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
- b. embodies those distinguishing characteristics of an architectural type;
- c. is the work of an architect or master builder whose individual work has influence the development of the County or region; or
- d. contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

**Area of Special Flood Hazard (ASFH)** - See Flood Hazard Related Definitions

**Arterial Road or Street** - See Road and Access Easement Related Definitions

**Associated Transmission Lines** - (ORS 469.300) New transmission lines constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid. To be determined necessary for public service, an associated transmission line must meet the requirements in ORS 215.275.

**Automobile and Trailer Sales Area** - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

**Automobile Repair Garage** - A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

**Automobile Service Station** - Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair for automobiles at retail direct to the customer.

**Automobile Wrecking Yard** - Any property where more than two vehicles not in running condition, or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered and are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months.

**Auxiliary** - See Forest Land Related Definitions

**Awning** - An awning is defined as any accessory shade structure supported by posts or columns and partially supported by a mobile home.

**Base Flood** - See Flood Hazard Related Definitions

**Base Flood Elevation (BFE)** - See Flood Hazard Related Definitions

**Basement** - A portion of a building, partly underground, which is less than one half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the ground.

**Basement** – [See Flood Hazard Related Definitions](#)

**Batch Plant, Concrete or Asphalt** - The storage, preparation, and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix plant.

**Bed and Breakfast Inn** - An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of ORS [333-170-0000](#). A bed and breakfast facility may be reviewed as either a home occupation or as a room and board operation.

**Bikeway** - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

**Bike Lane** - A defined portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Biomass Energy Facility** - A facility producing energy from biomass and its related or supporting facilities.

**Blade** - See Wind Power Related Definitions

**Block** - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

**Board of County Commissioners (BOC or BOCC)** - A three member elected board with duties and powers described in ORS 203.240. The main governing body of Wasco County and the legislative approving authority.

**Boarding House** - A building or premise where meals and lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons; and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

**Boarding of Horses** - The boarding of horses for profit in specified zones other than the Exclusive Farm

Use zone shall include the following:

- a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and,
- b. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The incidental stabling of not more than four (4) horses;
- c. The boarding of horses for friends or guests where no charge is made; and
- d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

**BOC** - See Board of County Commissioners.

**BOCC** - See Board of County Commissioners.

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

**Building Line** - A line on a plat indicating the limit beyond which buildings or structures may not be erected.

**Building Mounted Wind Turbine** - See Wind Power Related Definitions

**Business** - Employment of one or more persons for the purpose of earning a livelihood or a profit in money.

**Cabana** - A room enclosure erected or constructed adjacent to a mobile home for use as an addition to a mobile home.

**Campground** - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

**Camp, Tourist, or Trailer Park** - Any area or tract of land used or designed to accommodate more than two camping outfits (trailer, tent, tent trailer, recreational vehicle, pickup camper or other similar device used for camping), including cabins.

**Cannabinoid** - Any of the chemical compounds that are the active constituents of marijuana.

**Cannabinoid Concentrate** - A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

**Cannabinoid Edible** - Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

**Cannabinoid Extract** - A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

**Cannabinoid Product** - A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not

include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in ORS [571.269](#).

**Carport** - A covered shelter for an automobile open on two or more sides. A carport may be freestanding or partially supported by a dwelling unit or mobile home.

**Cellar** - A story having more than one half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

**Cemetery** - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.

**Cemetery Lot** - Consistent with ORS [97.010](#), "lot," "plot" or "burial space" means space in a cemetery owned by one or more individuals, an association or fraternal or other organization and used, or intended to be used, for the permanent interment therein of the remains of one or more deceased persons. Such terms include and apply with like effect to one, or more than one, adjoining grave, crypt, vault or niche.

**Church** - A building, together with its accessory buildings and uses, where persons regularly assemble for public worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Cider** - an alcoholic beverage made from the fermentation of the juice of apples or pears, including but not limited to flavored cider, sparkling cider and carbonated cider.

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

**Cidermaker** - a person who makes cider.

**Cidery** - a place where cider is produced.

**Class I Stream** - Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the Oregon Department of Forestry. Stream flows may be perennial or intermittent.

**Class II Stream** - Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the Oregon Department of Forestry. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

**Clinic** - See Medical Facility Related Definitions

**Club or Lodge** - A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

**Collector Road or Street (Major)** - See Road and Access Easement Related Definitions

**Collector Road or Street (Minor)** - See Road and Access Easement Related Definitions

**Commencement of Development** - Authorized development has been commenced when the holder of the permit has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development. In the case of development requiring a building permit, issuance of the building permit shall be conclusive evidence of commencing development. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law. A development permit which would have expired but for issuance of a building permit shall expire automatically upon expiration of the building permit. In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit by the Director for 80% or more of the structure or structures.

**Commercial** - The use of land or structures for a business activity engaged primarily in the sale of goods or services.

**Commercial Agricultural Enterprise** - Consists of farm operations that will contribute in a substantial way to the area's existing agricultural economy; and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

**Commercial Energy Facility** - See Commercial Power Generating Facility.

**Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power)** - A facility for the production of energy and its related or supporting facilities that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission,

nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS [215.203\(2\)\(b\)\(K\)](#) in all zones which allow “Farm Use” and [215.283\(1\)\(r\)](#) in the Exclusive Farm Use zone; and

- b. Is intended to provide energy for sale.

See “Net Metering Power Facility”, “Non-Commercial/Stand Alone Power Generating Facility” and “Small Scale Commercial Power Generating Facility” for additional definitions related to energy production.

**Commercial Utility Facility** - See Commercial Power Generating Facility.

**Commission** - The Wasco County Planning Commission.

**Common Area** - Any area or space designed for joint use of tenants.

**Communication Facility** - A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

**Communication Tower** - Any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals.

**Community Center or Hall** - A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

**Community Garden** - A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.

**Community Management** - The person who owns or has charge, care or control of the mobile home development.

**Community Sanitary Sewer System** - A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

**Community Water Supply System** - A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities

sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

**Compost** - A mixture of decaying, organic matter, such as leaves and manure, used as fertilizer.

- a. Green Feedstocks – Materials low in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are low in, and unlikely to support, human pathogens. Green feedstocks include but are not limited to yard debris, animal manure, wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor byproducts and crop residue.
- b. Non-Green Feedstocks – Materials high in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are high in, and likely to support, human pathogens. Non-green feedstocks include but are not limited to animal parts and byproducts, mixed materials containing animal parts or byproducts, dead animals and municipal solid waste.
- c. Agricultural Composting – Composting as an agricultural operation conducted on lands employed for farm use.
- d. Institutional Composting – The composting of green feedstocks generated from the facility’s own activities. It may also include supplemental feedstocks. Feedstocks must be composted on-site, the compost produced must be utilized within the contiguous boundaries of the institution and not offered for sale or use off-site. Institutional composting includes but is not limited to parks, apartments, universities, schools, hospitals, golf courses and industrial parks.
- e. Reload Facility – A facility or site that accepts and reloads only yard debris and wood waste for transport to another location.

**Comprehensive Plan** - The generalized, coordinated land use map and policy statement of the governing body of Wasco County that interrelates all functional and natural systems and activities relative to the use of lands including, but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

**Condominium** - Property, any part of which is residential in nature, submitted and approved in accordance with the provisions of ORS.

**Conduit** - Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man made water conveyance.

**Consultant Engineer** - A professional engineer registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and

required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

**Contiguous** - Lots, parcels or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way.

**Corner Lot** - See Lot Related Definitions

**Corridor** - The length and width of a right of way or tenancy containing or intended for a transmission facility and other uses in, or intended for, the same right of way.

**County** - The County of Wasco, Oregon.

**County Governing Body** - The County Governing Body of Wasco County, Oregon.

**County Road** - See Road and Access Easement Related Definitions

**County Road District** - See Road and Access Easement Related Definitions

**Court** - An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two sides by such building.

**Court Apartment** - One to four multiple dwellings arranged around two or three sides of a court which opens into a street.

**Covenants, Conditions & Restrictions (CC&Rs) or Irrevocable Deed Restrictions** - When referred to in the section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR [660-006](#) recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC&Rs also:

- a. Shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
- b. Shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
- c. Shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and

- d. Shall be copied by the Planning Director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

~~**Critical Facility** – A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installation that produce, store or use hazardous materials or hazardous waste. (Approval of any new Critical Facility within the ASFH must be reviewed through the Administrative Variance provisions (Chapters 6 and 7) of the Wasco County Land Use and Development Ordinance.)~~

**Cross Access** - A service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

**Cubic Foot Per Acre** - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

**Cubic Foot Per Tract Per Year** - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). Note: On a lot or parcel for which NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry. An alternative method would include contracting with a qualified professional forester to assess the forest productivity of a specific tract. General assumption based on surrounding site capability cannot be substituted for site specific analysis by a qualified professional nor can be unclassified soils be presumed to be more or less productive than surrounding soils previously classified by NRCS.

**Cul-De-Sac** - A street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

**Cultural and Historic Sites** - Sites having a record of historic activity that is well documented and have or have had an impact on the local community.

**Curb Line** - The line dividing the roadway from the planting strip or footway.

**Dam** - Any man made structure that impounds water.

**Date of Creation and Existence** - Within the Exclusive Farm Use zone, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993 or July 1, 2001, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling or a non-farm division respectively, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract. A property line adjustment which

does not have the effect of qualifying an otherwise non-qualifying lot, parcel or tract for a dwelling or a non-farm division respectively, does not change the date of creation.

**Day Nursery** - Any institution, establishment or place, other than a group day care home, in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

**Declarant** - A person who records a declaration under ORS [100.100](#) or a supplemental declaration under ORS [100.110](#).

**Demolish** - To raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated historic landmark, individually or within a historic district.

**Design (Roads and Streets)** - The design of any street or alley alignments, grade or width, alignment of width of easements and rights of way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing. Also includes storage of equipment or materials located within the area of special flood hazard.

~~Development does not include low impact practices using hand based tools to perform habitat restoration activities, which do not result in: the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means; alteration of the topography of the designated ASFH; the accumulation of woody vegetative debris within the ASFH; a violation of any prior condition of approval associated with a review on the subject property; a violation of any Wasco County or other agency natural resource regulations; or the siting of any structure.~~

**Commented [AC1]:** FYI -- This change was suggested by DLCD to match the Model Code.

**Developer** - A subdivider, or if not creating a subdivision, a person who proposes to, or does develop the land, whether it be for public or private purposes.

**Director** - See Planning Director.

**District** - A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past event or physical development.

**Diversion** - Any structure that deflects a portion of the water from a stream channel.

**Downwind** - See Wind Power Related Definitions

**Downwind Properties** - See Wind Power Related Definitions

**Double Frontage Lot** - A lot having frontage on two parallel or approximately parallel streets.

**Drive In** - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive in service. The term drive in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

**Driveway** - A private access providing ingress and egress to and from within a single property, or portion of a single property to a public road, private road or private easement road.

**Driveway, Shared** - When land uses on two or more lots or parcels share one driveway. A Private Easement Road must be created for any new shared driveway crossing another property.

**Dude Ranch** - A business activity that provides meals, lodging or camping facilities, and recreation activities associated with farm use or animals. An establishment offering meals to individuals other than overnight guests shall be deemed a restaurant. An establishment offering overnight accommodations not in conjunction with recreational activities shall be deemed a hotel or campground.

**Dwelling Types** - For the purposes of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

**Single Family Attached (Duplex)** - Two (2) household units which share a common wall or ceiling, but no unit may have a ceiling common to another unit.

**Single Family Attached (Multiplex)** - Three (3) or more household units which share common walls, but no unit may have a ceiling common to another unit. Otherwise known as Townhouses or Row Houses.

**Single Family Detached** - A single household unit whose construction is characterized by no common wall or ceiling with another unit.

**Multiple Family** - Three (3) or more household units with common walls or ceilings common to another unit. Terms of differentiation for Multiple Family include: Garden Low Rise, being walkup structures limited to a maximum of two stories; Garden Medium

Rise, being walkup structures limited to a maximum of three (3) stories; and High Rise, being elevator structures of multiple stories.

**Dwelling Unit** - A lawfully established dwelling is a single-family dwelling which:

- a. Has intact exterior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring for interior lights; and
- d. Has a heating system.

**Easement** - A grant of the right to use a strip of land for specific purposes. Includes but is not limited to access easements and utility easements.

**EFSC** - Oregon Energy Facility Siting Council as established under ORS [469.450](#) and defined in ORS [469.300\(7\)](#). The Council includes seven members appointed by the governor and confirmed by the Oregon Senate with the responsibility for overseeing and approving the development of energy facilities, as defined in ORS [469.300](#).

**Electrical Transmission Facilities** - The conductors, lines, structures, towers, substations, switching stations, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from power sources to the regional power grid and from the regional power grid to the local power distribution system, but not including "Associated Transmission Lines".

**Elevated Building** (for Insurance Purposes) – See Flood Hazard Related Definitions

**Endangered and Threatened Species** - Those species of plants and animals listed or proposed for listing as of October 1, 1978, in 41 FED REG 24524. (June 16, 1976) and 50 CFR Part 17, and its amendments and species listed or proposed for listing by the State of Oregon.

**Energy** - The amount of work that can be performed by a force.

**Energy Development** - A building or construction operation making a significant change in the use or appearance of a structure or land for an energy facility; and the clearing, excavation, filling, grading, and road building in connection with the operation.

**Energy Facility** – A solar, wind, fuel cell, hydroelectric, thermal, geothermal, cogeneration, landfill gas, digester gas, waste, dedicated low emission renewable crop, nontoxic biomass based on solid organic fuels from wood, forest or field residues, electrical transmission, natural gas pipeline, or petroleum product pipeline facility as defined by ORS 469.300.

**Energy Facility Project Area** - The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project lease boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion.

**ESEE Analysis** - ESEE Analysis are a required part of the process of planning for natural resources under Statewide Planning Goal 5, in which the County analyzes the Environmental, Social, Economic and Energy (ESEE) consequences of prohibiting, limiting, or allowing uses that would conflict with protection of a specified Goal 5 resource – for certain resource categories, the local government has the option of forgoing the ESEE analysis and adopting generalized provisions developed by the state.

**Event (Temporary)** - A temporary event is one that is held primarily on or is using public property that has an expected attendance of more than fifty (50), but no more than five-hundred (500) people, that will not continue for more than seventy-two (72) hours in any three-month period, and that will be located in a rural or resource area. Temporary Events are permitted through a [ministerial/Type I] process and are not considered “outdoor mass gatherings” as defined by ORS [433.735](#) or Agritourism events as provided for by ORS [215.283\(4\)](#).

**Expando** - Room or rooms that fold, collapse, or telescope into a mobile home.

**Exterior** - All outside features of a historic landmark, individually or within a historic district.

**Family** - One or two persons with their direct descendants and adopted children (and including domestic employees thereof), together with not more than five (5) persons not so related living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered as a separate family.

**Family Camp** - An area devoted to facilities and equipment for camp purposes for youths and adults, including swimming pools, tennis courts, recreational fields and facilities for meetings, conferences or retreats, including facilities for eating and sleeping accommodations that are provided in connection with the camp.

**Family Hardship Dwelling** - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm person or persons physically incapable of maintaining a complete separate residence apart from their family. The hardship dwelling must be hooked up to the primary dwelling water and sanitary waste system.

**Farm Management Plan** - A collection of documents and narrative that demonstrate the land is currently employed for the primary purpose of obtaining a profit in money according to

methods described by ORS [215.203\(2\)](#). For farm dwellings, the farm management plan must demonstrate eligibility to relevant criteria listed in OAR 660-033-0135.

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

**Farm or Ranch Operation** - All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS [215.203](#).

**Farm Stand Structure** - A structure that is designed and used for the sale of farm crops and livestock as provided in A-1 zone. A food stand is considered to be a farm stand structure.

**Farm Unit** - means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS [215.203](#).

**Farm Use** - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

- a. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows.
- b. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. Farm use also includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.
- c. Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.
- d. Farm use does not include the use of land subject to the provisions of ORS [321](#) (Timber Taxation), except land used exclusively for growing cultured Christmas trees as defined below or land described in ORS [321.267](#) (3) or [321.824](#) (3).

Cultured Christmas trees means trees:

- a. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- b. Of a marketable species;
- c. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- d. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current employment of land for farm use includes:

- a. Farmland, the operation or use of which is subject to any farm-related government program;
- b. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- c. Land planted in orchards or other perennials, other than land specified in subparagraph (d) of this paragraph, prior to maturity;
- d. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- e. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- f. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS [215.213](#) (1)(x) and [215.283](#) (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS [215.213](#) (2)(c) and [215.283](#) (2)(a);
- g. Water impoundments lying in or adjacent to and in common ownership with farm use land;

- h. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- i. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- j. Any land described under ORS [321.267\(3\)](#) or [321.824\(3\)](#);
- k. Land used for the processing of farm crops into biofuel, as defined in ORS [315.141](#), if:
  - 1. Only the crops of the landowner are being processed;
  - 2. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
  - 3. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

**Accepted Farming Practice** - As used in this subsection, “accepted farming practice” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

**Farmworker Housing** - Housing limited to occupancy by farmworkers and their immediate families, no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.

**Fence, Protective** - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

**Fence, Site Obscuring** - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

**FERC** - Federal Energy Regulatory Commission - The United States federal agency with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC also reviews and authorizes liquefied natural gas (LNG) terminals, interstate natural gas pipelines and non-federal hydropower projects.

**Fire District (for the Purpose of Application of Fire Standards)** - An actively trained and reporting structural fire protection district having a boundary on file with the State Fire Marshal

and recognized as a qualified structural fire protection district by the State Fire Marshal's Office.

### Flood Hazard Related Definitions —

**Ancillary Features:** Features of a development that are not directly related to the primary purpose of the development.

**Commented [DD2]:** Definition added in November 27, 2024 FEMA Model Code Update.

**Area of Shallow Flooding** - A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard (ASFH)** - The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase, "area of special flood hazard." Designation on maps always includes the letters A or V.

**Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100 year flood". Designation on maps always includes the letters A or V.

**Base Flood Elevation (BFE)** - The computed elevation to which floodwater is anticipated to rise during the Base Flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

**Commented [AC3]:** Recommended by DLCD to match Model Code

The BFE is the regulatory requirement for the elevation or flood proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

**Basement** - Any area of the building having its floor subgrade (below ground level) on all sides.

**Critical Facility** - A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installation that produce, store or use hazardous materials or hazardous waste. (Approval of any new Critical Facility within the ASFH must be reviewed through the Administrative Variance provisions (Chapters 6 and 7) of the Wasco County Land Use and Development Ordinance.)

DBH - Diameter at breast height, or DBH, is the standard for measuring trees. DBH refers to the tree diameter measured at 4.5 feet above the ground.

**Commented [AC4]:** PICM language from Model Code

**Elevated Building** (for Insurance Purposes) - A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Fill - Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

**Commented [AC5]:** PICM language from Model Code.

~~Fish Accessible Space - The volumetric space available to fish to access. The volumetric space available to an adult or juvenile individual of the identified 16 ESA-listed fish to access.~~

~~Fish Egress-able Space - The volumetric space available to fish for the purposes of exiting or leaving. The volumetric space available to an adult or juvenile individual of the identified 16 ESA-fish to exit or leave from.~~

**Commented [AC6]:** PICM language from Model Code.

**Commented [DD7R6]:** Definitions modified in November 27, 2024 FEMA Model Code Update.

**Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in a. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of a current.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels of suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by unanticipated force of nature, such as flash flood or abnormal tidal surge, or by similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) of this definition.

**Flood elevation study** – See Flood Insurance Study definition.

**Flood Insurance Rate Map (FIRM)** - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS)** – An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Map, and the water surface elevation of the Base Flood.

**Flood proofing** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk or flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as a “Regulatory Floodway.”

**Flood-Resistant Material** - Any building product capable of withstanding direct and prolonged (at least 72 hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low-cost cosmetic repair such as painting.)

**Functionally Dependent Use** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

**Floodplain Storage Capacity:** The volume of floodwater that an area of floodplain can hold during the 1-percent annual chance flood.

**Footprint:** The existing measurements of the structure related to the three floodplain functions and their proxies. The footprint related to floodplain storage refers to the volumetric amount of developed space measured from the existing ground level to the BFE, and the footprint related to water quality refers to the area of impervious surface that the structure creates.

**Green Infrastructure** - Use of natural or human-made hydrologic features to manage water and provide environmental and community benefits. Green infrastructure uses management approaches and technologies that use, enhance, and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration, and reuse. At a large scale, it is an interconnected network of green space that conserves natural systems and provides assorted benefits to human populations. At a local scale, it manages

**Commented [DD8]:** Definition added in November 27, 2024 FEMA Model Code Update.

**Commented [DD9]:** Definition added in November 27, 2024 FEMA Model Code Update.

stormwater by infiltrating it into the ground where it is generated using vegetation or porous surfaces, or by capturing it for later reuse. Green infrastructure practices can be used to achieve no net loss of pervious surface by creating infiltration of stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface.

Commented [AC10]: PICM language from Model Code.

**Habitat Restoration Activities** – Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMRE, and have obtained any other required permits (e.g., Clean Water Act (CWA) Section 404 permit).

Commented [AC11]: PICM language from Model Code.

**Hazard Trees** – Standing dead, dying or diseased trees or ones with a structural defect that makes it likely to fail in whole or in part and that present a potential hazard to a structure or as defined by the community.

Commented [AC12]: PICM language from Model Code.

**Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Hydrologically Equivalent Elevation** – A location (e.g., a site where no net loss standards are implemented) that is approximately equivalent to another (e.g., the impacted site) relative to the same 100-year water surface elevation contour or base flood elevation. This may be estimated based on a point that is along the same approximate line perpendicular to the direction of flow.

Commented [AC13]: PICM language from Model Code.

**Hydrologically Connected** – The interconnection of groundwater and surface water such that they constitute one water supply and use of either results in an impact to both.

Commented [AC14]: PICM language from Model Code.

**Impervious Surface** - A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

Commented [AC15]: PICM language from Model Code.

**Level III Ecoregion** - Ecoregions are areas where ecosystems are similar in terms of their biotic, abiotic, terrestrial, and aquatic components. They also share similar environmental conditions and ecological dynamics, and have a large majority of the same species. The US Environmental Protection Agency (EPA) uses ecoregions as a spatial framework for monitoring, assessing, and researching ecosystems. These regions are important for developing and implementing management strategies for ecosystems across federal agencies, state agencies, and nongovernmental organizations. The EPA's

level III ecoregions are based on the idea that ecological regions can be identified by analyzing patterns in the following areas: Geology, Physiography, Vegetation, Climate, Soils, Land use, Wildlife, and Hydrology.

Commented [AC16]: PICM language

**Low Impact Development** - An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. It employs principles such as preserving and recreating natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Low Impact Development refers to designing and implementing practices that can be employed at the site level to control stormwater and help replicate the predevelopment hydrology of the site. Low impact development helps achieve no net loss of pervious surface by infiltrating stormwater in an amount equal to or greater than the infiltration lost by the placement of new impervious surface. LID is a subset of green infrastructure.

Commented [AC17]: PICM language from Model Code.

**Letter of Map Change (LOMC)** – Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- a. **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- b. **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- c. **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- d. **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.

e. **Letter of Map Revision (LOMR):** A LOMR is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LMOR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

f. **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

g. **Physical Map Revision (PMR):** A PMR is FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective baes flood elevations, or the special flood hazard area.

**Lowest Floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this ordinance found at Section 3.743 E - Specific Standards.

**Mean Sea Level** - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

**New Construction** - For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by Wasco County and and includes any subsequent improvements to such structures.

**No Net Loss** - A standard where adverse impacts must be avoided or offset through adherence to certain requirements so that there is no net change in the function from the existing condition when a development application is submitted to the state, tribal, or local jurisdiction. The floodplain functions of floodplain storage, water quality, and vegetation must be maintained.

**Commented [AC18]:** PICM language from Model Code.

**Offsite** - Mitigation occurring outside of the project area.

**Onsite** – Mitigation occurring within the project area.

**Ordinary High Water Mark** – The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

**Commented [AC19]:** PICM language from Model Code

**Pervious Surface:** Surfaces that allow rain and snowmelt to seep into the soil and gravel below. Pervious surface may also be referred to as permeable surface.

**Commented [DD20]:** Definition added in November 27, 2024 FEMA Model Code Update.

**Qualified Professional** – A natural resource professional such as a wildlife biologist, botanist, hydrologist, or an environmental engineer currently licensed in the State of Oregon.

**Reach** - A section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth area, and slope. It can also be the length of a stream or river (with varying conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are well described by readings at a single stream gage.

**Commented [AC21]:** PICM language from Model Code

**Riparian** - Of, adjacent to, or living on, the bank of a river, lake, pond or other water body.

**Riparian Buffer Zone (RBZ)** - The outer boundary of the riparian buffer zone is measured from the ordinary high water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water line of a marine shoreline or tidally influenced river reach to feet horizontally on each side of the stream or feet inland from the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel. Where the RBZ is larger than the special flood hazard area, the no net loss standards shall only apply to the area within the special flood hazard area.

**Commented [AC22]:** PICM language from Model Code

**Riparian Buffer Zone Fringe** – The area outside of the RBZ and floodway, but still within the SFHA.

**Silviculture** – The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

**Commented [AC23]:** PICM language from Model Code

**Regulatory floodway** - See Floodway definition.

**Raised Structure** – A non-basement structure that has its lowest elevated floor raised a minimum of one foot above the Base Flood Elevation.

**Commented [AC24]:** FYI -- DLCD staff recommended we remove this definition because it is not in the Model Flood Code.

**Regulatory Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Special Flood Hazard Area** - See Area of Special Flood Hazard definition.

**Undeveloped Space** – The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that is undeveloped. Any form of development including, but not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes or any other development that reduces flood storage volume and fish accessible/egress-able habitat must achieve no net loss.

**Commented [AC25]:** PICM Model Code Language

**Substantial Damage** - Damage of any origin sustained by a structure whereby the costs of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.

**Undeveloped Space:** The volume of flood capacity and fish-accessible/egress-able habitat from the existing ground to the Base Flood Elevation that has not been reduced due to activity that meets FEMA’s definition of development. Examples of development that impede undeveloped space includes, but is not limited to, the addition of fill, structures, concrete structures (vaults or tanks), pilings, levees and dikes, or any other development that reduces flood storage volume and fish accessible/egress-able habitat.

**Commented [DD26]:** Definition added in November 27, 2024 FEMA Model Code Update.

**Variance** - A grant of relief from the terms of a floodplain management regulation.

**Violation** - The failure of a structure or other development to be fully compliant with the County’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Floor Area** - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls.

**Flow** - See Hydroelectric Related Definitions

**Footprint** – The area within the perimeter of a building measured at the foundation and including such features as attached roofed areas and cantilevered floor areas. The term footprint shall not include uncovered patios, decks, uncovered stoops or stairs, or roof eaves.

**Forest Farm Management Easement** - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner’s successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS [30.936](#) or [30.937](#).

**Forest Land Related Definitions -**

**Auxiliary** - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest’s entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

**Forest Tree Species** - Trees recognized under rules adopted under ORS [527.620](#) for commercial production.

**Forest Operation** - Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS [527.620](#) (6).

**Temporary (Forest Zones)** - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or duration of an emergency response including clean-up and restoration work. Any structure associated with a temporary use in the F-1 zone shall not be located on a permanent foundation.

**Forest Lands** - As defined in Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment. Forest lands shall include: (1) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and (2) Other forested land that maintain soil, air, water, and fish and wildlife resources.

**Foster Home** - A home licensed by the State and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

**Frontage** - All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right of way, waterway and/or dead end street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**Future Street** - See Road and Access Easement Related Definitions

**Garage, Public** - A structure in which are provided facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance repair, or where such vehicles are parked or stored.

**Golf Course** - An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.

**Grade** (Adjacent Ground Elevation) - See Flood Hazard Related Definitions

**Grid** - The utility distribution system. The network that connects electricity generators to electricity users.

**Gross Building Area** - The total area taken on a horizontal plane at the mean grade level of the principal building, and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhang and balconies.

**Group Day Care Home** - A facility located in a single family dwelling that is certified by the Children's Services Division to care for six (6) to twelve (12) children under the age of thirteen (13) at one time. A group day care home must be within the home of the care provider, and is considered a residential use in residential and commercial zones.

**Group Home** - A licensed home maintained and supervised by adults for the purpose of providing care, food and lodging for retarded adults, elderly persons, or children under the age of eighteen (18) years, unattended by parent(s) or guardian(s) where the number of unrelated persons living together as one household commonly exceeds five.

**Guest House** - Living quarters within a separate structure, with no kitchen or kitchen facilities, located on the same lot-of-record with the primary dwelling, and occupied solely by members of the owner's family or temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit. See Section 4.170 for "Guest House" development standards.

**Guest Lodging Unit** - A room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence.

**Guest Ranch** - A facility for guest lodging units, passive recreational activities described in ORS [215.461\(6\)](#) and food services described in ORS [215.461\(7\)](#) that are incidental and accessory to an existing and continuing livestock operation that qualifies as a farm use.

**Guy Wire** - A cable or wire used as a semi flexible tension support between a guy anchor and a tower.

**Half Street** - See Road and Access Easement Related Definitions

**Head** - See Hydroelectric Related Definitions

**Health Officer** - The Wasco Sherman County District Health Unit Officer.

**Height of Building** - The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**Height of Tower** - See Wind Power Related Definitions

**High Value Farm Land** (Per OAR [660-33-020\(8\)\(a\)](#)) - Means land in a tract composed predominantly of soils that are:

- a. Irrigated and classified prime, unique, Class I or II; or
- b. Not irrigated and classified prime, unique, Class I or II.

In addition to that land described above, high value farmland, if in Eastern Oregon, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa.

**High Water Line or Mark** - The highest water level a stream or lake reaches during normal seasonal run off.

**Historic Landmark** - A district, corridor, ensemble, building, portions of building, site, landscape feature, cemetery, bridge, sign, plaque, archaeological site or artifact, or other objects of historical and/or architectural significance, locally, regionally, or nationally designated by the Landmarks Commission and County Court under Section 5.080 of this ordinance.

**Historic Resources** - Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

**Historic Significance** - Those historic landmarks which have a relationship to events or conditions of the human past. The historic resource (1) has character, interest or value, as part of the development, heritage or cultural characteristic of the county, state, or nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had an influence on society; or (4) exemplifies the cultural, political, economic, social, or historic heritage of the community.

**Historic Structure - Any structure that is:**

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program, as determined by the Secretary of the Interior.

**Home Occupation** - Any lawful activity carried on within a dwelling or other building normally associated with uses permitted in the zone and which said activity is secondary to the primary use of the property for residential purposes.

**Horticulture** - The cultivation of plants, garden crops, trees and/or nursery stock.

**Hospital (General)** - See Medical Facility Related Definitions

**Hospital (Mental)** - See Medical Facility Related Definitions

**Hotel** - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Hunting Preserve** - Pursuant to ORS [497.248](#) Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not more than 1,280 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five years.

**Hunting, fishing or shooting preserve** - Shall comply with provisions of OAR [635-047](#).

**Hydroelectric Related Definitions -**

**Flow** - The volume of water passing through a hydroelectric facility during a given period. Flow is expressed in cubic feet per second.

**Head** - The vertical distance from the highest water level of a dam, diversion, or intake for a hydroelectric facility to the elevation where water from the facility is discharged. Head is expressed in feet.

**Hydroelectric Facility** - All aspects of a project necessary for or related to power generation including, but not limited to, the generator, dams, diversions, impoundments, conduits, penstocks, fish ladders, navigation locks, fish screens, recreation facilities, transmission facilities and related buildings, structures and storage areas.

**Theoretical Horsepower** - The product of the flow used by a hydroelectric facility, expressed in cubic feet per second, multiplied by the head, expressed in feet, divided by 8.8.

**Immediate Family Member** - Family member of the first degree of kinship or equivalent thereof.

**Improvement or Repair Costs** - The cost to improve or repair a structure. This is used to determine if the proposed repairs and/or improvements constitute Substantial Damage and/or Substantial Improvement.

Improvement or Repair Costs include but are not limited to structural elements, footings, concrete slabs, attached decks and porches, interior partition walls, wall finishes, windows, doors, roofing materials, flooring, sub-flooring, cabinets, utility equipment, and labor.

Improvement or Repair Costs exclude plans, surveys, permitting costs, post-emergency debris removal and clean-up, landscaping, sidewalks, fences, yard lights, pools, detached structures, and landscape irrigation systems.

**Industrial** - The use of land or structures to treat, process, manufacture, or store materials or products.

**Inverter** - A device that converts direct current (DC) to alternating current (AC).

**Irrigated** - means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for

irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

**Joule** - Amount of work done by a force of one newton moving an object through a distance of one meter.

**Judicially Noticeable** - Per ORS [40.065](#), a judicially noticed fact must be one not subject to reasonable dispute in that it is either: (1) Generally known within the territorial jurisdiction of the trial court; or (2) Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

**Junk Yard** - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

**Kennel (Commercial)**: The operation of any business in which five or more dogs or cats with permanent teeth, or which are more than six months of age, are boarded for profit.

**Kennel (Non-Commercial)**: A premise on which five or more dogs or cats with permanent teeth, or which are more than six months of age, are kept for purposes other than boarding for profit. Other purposes include show, hunting, stock raising, or other personal use. Dogs maintained for agricultural purposes are considered a farm use. This term does also not include an animal hospital. This is permitted without review.

**Kennel (Breeding)**: Breeding kennels are any establishments where non-agricultural animals are kept for breeding purposes, commercial or non-commercial. These are reviewed as major home occupations.

**Kilovolt (kV)** - The unit of voltage of potential difference which equals 1,000 volts.

**Kilowatt (kW)** - A measure of power for electrical current (1,000 watts).

**Kilowatt-hour (kWh)** - A measure of energy equal to the use of one kilowatt in one hour.

**Kitchen** - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located.

**Land Use Action** - Land use action includes any consideration for approval of a quasi-judicial plan amendment or zone change, any consideration for approval of a land use permit, and any consideration of a request for a declaratory ruling.

**Landscaping** - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material.

**Legislative Change** - Generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the Comprehensive Plan, Land Use and Development Ordinance, and changes to zoning maps not directed at a small number of property owners.

**Livestock** (Guest Ranches) - For the purpose of a guest ranch (ORS [215.461](#)) livestock includes cattle, sheep, horses and bison.

**Loading Space** - An off street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or material, and which space or berth abuts upon a street, alley or other appropriate means of ingress and egress.

**Local Access Road** - See Road and Access Easement Related Definitions

**Local Road or Street** - A See Road and Access Easement Related Definitions

**Lot Related Definitions -**

**Lot** - A unit of land that is created by a subdivision of land.

**Lot Area** - The total horizontal area within the lot lines of a lot.

**Lot (Corner)** - A lot fronting on two or more streets at their junction, said streets forming with each other an angle of 45 degrees up to and including 135 degrees.

**Lot Depth** - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

**Lot (Interior)** - A lot other than a corner lot.

**Lot Lines** - The lines bounding a lot as defined herein.

**Lot Line (Front)** - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**Lot Line (Rear)** - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line (Side)** - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

**Lot (Through)** - An interior lot having frontage on two (2) streets.

**Lot Width** - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Reversed Corner Lot** - A corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

**Lowest Floor** - See Flood Hazard Related Definitions

**LUDO** - Wasco County's Land Use and Development Ordinance

**Major Modification** - A significantly modified application greatly differs from the application that was deemed complete. Such differences may include the land use; size, height, and/or design of proposed structures; location of uses and structures on the site; or other such characteristics of the proposal. Major modifications may alter which approval criteria and development standards apply to the development proposal.

**Manufacture** - The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose.

**Manufacture (Psilocybin)** - The manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its container

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.” [A Manufactured Home is synonymous with a “manufactured dwelling.”](#)

**Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [\(Approval of any New or expansion of a manufactured home park or subdivision within the ASFH must be reviewed through the Administrative Variance provisions \(Chapter 6 and 7\) of the Wasco County Land Use and Development Ordinance.\)](#)

**Map** - A final diagram, drawing or other writing concerning a land division.

**Marijuana** - The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS [571.300](#).

**Marijuana Items** - Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

**Marijuana Processing** - The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

**Marijuana Production** - The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”

**Marijuana Retailing** - The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

**Marijuana Wholesaling** - The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

**Matching or Like Materials** - Materials that duplicate the original material in size, shape, composition, and texture as closely as possible.

**Medical Facility Related Definitions -**

**Clinic** - Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

**Hospital (General)** - An institution providing health services, primarily for in patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

**Hospital (Mental)** - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

**Veterinary Hospital** - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X ray, and boarding.

**Veterinary Office** - An office which provides medical services for sick and injured animals on an outpatient basis.

**Medical Hardship** - Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physician's Assistant or Nurse Practitioner).

**Megawatt (mW)** - The electrical unit of power which equals 1,000,000 watts.

**Metes and Bounds** - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

**Meteorological Tower** - The tower and any of the following: base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

**Military Training Route (MTR) – Aerial corridors in the U.S. for military training operations.**

**Minor Modification** - Minor modifications involve a limited number of changes from the original application and typically should not alter any approval criteria and development standards which apply to the development proposal.

**Mobile Home -**

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance

with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

**Mobile Home Community** - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

**Mobile Home for Storage** - Mobile homes may not be used as storage buildings in any zone.

**Mobile Home Lot** - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**Mobile Home Park** - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Mobile Home Space** - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

**Mobile Home Stand** - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Modular Unit** - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.
- c. Having a permanent foundation.

**Motel** - A building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

**Motor Home** - A self-propelled recreation vehicle that is not used as a permanent residence.

**Nacelle** - See Wind Power Related Definitions

**Natural Areas** - Land areas reserved from development or modification for the protection of animal species and other natural areas as identified in the Wasco County Comprehensive Plan.

**Neighborhood** - In relation to Nonconforming Uses a neighborhood shall include the surrounding areas whose use and enjoyment of their property would be materially impacted as a result of the proposed alteration.

**Negotiate** - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

**Net Metering Power Facility** - A facility for the production of energy that:

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

See "Non-Commercial/Stand Alone Power Generating Facility", "Commercial Power Generating Facility" and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

Non-Commercial/Stand-Alone Power Generating Facility -

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS [215.203\(2\)\(b\)\(K\)](#) in all zones which allow "Farm Use" and [215.283\(1\)\(r\)](#) in the Exclusive Farm Use zone;

- b. Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- c. Operates as a standalone power generator not connected to a utility grid; and
- d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See “Net Metering Power Facility”, “Commercial Power Generating Facility”, and “Small Scale Commercial Power Generating Facility” for additional definitions related to energy production.

**New Construction** - Structures for which the lawful “start of construction” commenced on or after the effective 1 June 2010.

[New Construction - See Flood Hazard Related Definitions](#)

**Non-Conforming Structure or Use** - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Non-Resource Zones** - Zones within the jurisdiction of this ordinance that are not protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands.

**Nursing Home** - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

**NRCS Web Soil Survey** - Official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service as of January 1, 2016, for agricultural soils that are not high-value, and as of December 6, 2007, for high-value agricultural soils.

**Official Map** - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights of way. The Official Map helps to implement the comprehensive plan.

**Opaque** - Not clear enough to see through or allow light through.

**Open Play Field** - A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.

**Operational High Pool Elevation (EPD 6)** - The high pool elevation for Pine Hollow and Rock Creek Reservoirs shall be considered to be the approved operational outfall elevation determined by Oregon Water Resources Department.

**ORS** - The Oregon Revised Statutes.

**Outdoor Mass Gathering (OMG)** - A gathering, as defined by ORS [433.735](#), that is an actual or reasonably anticipated assembly of more than 3,000 persons which is held primarily in open spaces and not in any permanent structure and within any three-month period is expected to continue for more than 24 hours and not more than 120 hours, excluding hours required for ingress to and egress from a gathering that is located on lands zoned for exclusive farm use that are 60 miles or farther from the nearest interstate highway.

**Owner** - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parcel (Legal)** - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or
- b. A parcel in an existing, duly recorded major or minor land partition; or
- c. By deed or land sales contract prior to September 4, 1974.

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

- a. Is a unit of land created solely to establish a separate tax account;
- b. Lies in different counties;
- c. Lies in different sections or government lots;
- d. Lies in different land use or zoning designations; or
- e. Is dissected by a public or private road.

**OWRD** - Oregon Water Resources Department.

**Parcel** - Per ORS [92.010](#), a parcel is a single unit of land that is created by a partition of land.

**Park (Model) Trailer** - Means a vehicle built on a single chassis, mounted on wheels, designed to provide recreational, seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances and with a gross trailer area

not exceeding 400 square feet when in the setup mode. Such a vehicle shall be referred to, and identified by the manufacturer or converter, as a recreational vehicle. (OAR-[918-500-0005](#) (30))

**Parking Lot (Private)** - Open off street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

**Parking Lot (Public)** - Open off street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

**Parking Space** - A minimum gross area available for the parking of a standard American automobile.

**Parkway** - A parklike major thoroughfare with broad rights of way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and principal objectives.

**Partition** - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

**Partition Land** - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where any additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

**Party** - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in Section 2.080 A 2, of the property which is the subject of the application.
- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to ORS [197.160](#).
- d. Any affected unit of local government or public district or state or federal agency.

- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.

**Pathway** - A walkway conforming to Chapter 21 that is not within a street right-of-way.

**Pedestrian Way** - A way or right of way for pedestrian traffic.

**Person** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

**Person Designated to Produce Marijuana by a Registry Identification Cardholder** - A person designated to produce marijuana by a registry identification cardholder under ORS [475.304](#) who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides.

**Place of Public Assembly** - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

**Planned Unit Development -**

**Gross Acreage** - The acreage of the entire PUD, less the acreage devoted to streets, public or semi-public buildings, kindergarten or day care centers, and commercial uses.

**Homeowners' Association** - A nonprofit corporation, membership in which is mandatory for owners of PUD residences, and which is responsible for maintaining common open space and private streets.

**Landscape Features** - Natural features of the PUD site, including waterways, wetlands, rock outcroppings, forest areas and significant wildlife habitat areas.

**Net Acreage** - The acreage of the PUD devoted to residential use, including residential building sites, private open space and driveways.

**Open Space** - Land not covered by buildings or structures, except minor recreational structures. Open Space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure time activities, freely accessible to residents, may be counted as open space at a value of fifty percent (50%) of actual roof area devoted to these uses.

- a. Common Open Space: open space reserved primarily for the leisure and recreational use of all PUD residents, and owned and maintained in common by them through a homeowner's association.
- b. Private Open Space: open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.
- c. Public Open Space: open space designed primarily for use by residents of a PUD, dedicated in fee to a public agency, and maintained by the agency.

**Planning Commission** - Wasco County Planning Commission. The Planning Commission is an appointed body of volunteer representatives from various locations and professions in the County that reviews and makes decisions on quasi-judicial decisions. The Planning Commission also serves as the recommending body to the BOCC for legislative actions.

**Planning Control Area** - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

**Planning Director** - Wasco County Planning Director or their designee that fulfills the role described by [ORS 215.042](#).

**Planning Department** - Wasco County Planning Department.

**Plat** - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

**Porch** - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

**Power** - The rate at which work is performed or energy is converted.

**Pre-Application Conference** - Pre-application conferences are intended to provide applicants with an opportunity to meet with County staff to discuss proposed projects in order to: familiarize applicants with the substantive and procedural requirements of this Ordinance; to provide for an exchange of information regarding applicable elements of the Comprehensive Plan, and development standards; to identify policies and regulations that create opportunities or pose significant constraints for the proposal; and to discuss procedures prior to filing a land use permit application.

**Premises (Psilocybin)** – (A) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;

(B) All areas outside a building that the Oregon Health Authority has specifically licensed for the manufacturing of psilocybin products or the operation of a psilocybin service center; and

(C) For a location that the authority has specifically licensed for the operation of a psilocybin service center outside a building, that portion of the location used to operate the psilocybin service center and provide psilocybin services to clients.

Does not include a primary residence.

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

**Principally Engaged in Farm Use** - As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full- time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household needs to meet the “principally engaged” test, or the test may be met collectively by more than one household member.

**Private Easement Road** - See Road and Access Easement Related Definitions

**Private Park** - Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.

**Private Road** - See Road and Access Easement Related Definitions

**Property Line Adjustment** - The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any additional zoning regulations.

**Psilocybin** – Psilocybin or psilocin.

**Psilocybin Service Center**— An establishment at which administrative sessions are held and at which other psilocybin services may be provided.

**Psilocybin services** – Services provided to a client before, during, and after the client’s consumption of a psilocybin product including a preparation session, an administration session and an integration session.

**Public Park** - A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance.

**Public Road** - See Road and Access Easement Related Definitions

**Radar line of sight or radar horizon** – A critical area of performance for aircraft detection systems defined by the distance at which the radar beam rises enough above the Earth’s surface to make detection of a target at low level impossible. The North American Aerospace Defense Command (NORAD) is the advising organization to determine radar line of sight and potential interference.

**Raised Structure** - See Flood Hazard Related Definitions

**Ramada** - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

**Recreational Vehicle or Camping 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, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if any of the following are true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of a one-time event of emptying the holding tanks; after such time it must be disconnected;
- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;
- c. It is occupied for more than 60 days, on the same property, in any consecutive 12-month period; or
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6-month period.

**Recreational Vehicle (Flood Hazard Overlay Section only)** - A vehicle which is:

- a. Built on a single chassis; and

- b. 400 square feet or less when measured at the largest horizontal projection; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Recreational Vehicle Park** - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

**Regulatory Floodway** - See Flood Hazard Related Definitions

**Rehabilitation** - The return of property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property's historic value.

**Related or Supporting Facilities to a Commercial Power Generating Facility** - Any structure, proposed to be constructed or substantially modified in connection with the construction of a commercial power generating facility, including associated transmission lines, power collector lines, substations connected to the power generating facility, meteorological towers (not including meteorological towers applied for independent of the commercial power generating facility), data collection & operating systems, construction staging & laydown areas, storage facilities, intake structures, road and rail access, barge basins, operation & maintenance buildings, and other accessory structures and buildings. A related or supporting facility is considered "in connection with the construction of the commercial power generating facility" if it would not be built or substantially modified but for construction or operation of the energy facility.

"Related or supporting facilities" does not include geothermal or underground gas storage reservoirs, production, injection or monitoring wells or wellhead equipment or pumps or any structure existing prior to construction of the energy facility, unless such structure must be significantly modified solely to serve the energy facility.

**Renewable Energy Facility – (ORS 215.446)**

- a. A solar photovoltaic power generation facility using:
  - 1. More than 100 acres but not more than 160 acres located on high-value farmland as defined in ORS 195.300;
  - 2. More than 100 acres but not more than 1,280 acres located on land that is predominantly cultivated or that, if not cultivated, is predominantly composed of soils that are in capability classes I to IV, as specified by the National Cooperative Soil Survey

operated by the Natural Resources Conservation Service of the United States Department of Agriculture; or

3. More than 320 acres but not more than 1,920 acres located on any other land.
- b. An electric power generating plant with an average electric generating capacity of at least 35 megawatts but less than 50 megawatts if the power is produced from geothermal or wind energy at a single plant or within a single energy generation area.

**Replat** - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in a subdivision.

**Reserved Open Space** - Land areas reserved through public dedication, public ownership, easements, covenants, or other devices for public use and limited development.

**Residential Trailer** - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Resource Zones** - Zones within the jurisdiction of this ordinance that are protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands.

**Restaurant** - A public establishment for the purpose of selling meals to customers.

**Restoration** - The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later works or the replacement of missing earlier work.

**Retirement Center** - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

**Reversed Corner Lot** - See Lot Related Definitions

**Review Types** -

**Type I** (Nondiscretionary (formerly referred to as “ministerial”) - These procedures are decided by the Director, or the Director’s designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a “land use decision” under Oregon Revised Statute (ORS) [197.015\(11\)](#).

**Type II (Administrative/Discretionary)** - These procedures are decided by the Director or the Director's designee with notice, as established by Chapter 2, and appeal period established by ORS [215.416\(11\)](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS [197.015\(11\)](#). An appeal of a Type II decision becomes a Type III review.

**Type III (Quasi-Judicial/Planning Commission or County Governing Body)** Planning Commission - These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process, notice and appeal period governed by ORS [197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS [197.015\(11\)](#).

County Governing Body - These procedures are initially heard and decided solely by the County Governing Body or on appeal from the Planning Commission with the hearings process, notice and appeal period governed by ORS [197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS [197.015\(11\)](#).

**Type IV (Legislative/County Governing Body)**

These procedures are heard and decided solely by the County Governing Body after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by ORS [197.763](#). They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under ORS [197.015\(11\)](#).

**Right of Way** - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

**Road and Access Easement Related Definitions -**

**Access** - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

**Access easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

**All Weather Road** - A road that has, depending upon design criteria, a six [to eight] or more inches of gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to be made by the Wasco County Public Works Department.

**Approach Road** - That portion of any access, driveway or other facility that immediately abuts upon a public or county road and provides ingress to or egress from said public or county road.

**Arterial Road or Street** - A road or street used primarily to carry high levels of regional vehicular traffic at high speeds; connects the collector road system to freeways; provides connection to other cities and communities; serves major traffic movements; access control may be provided through medians and/or channelization. The typical average daily traffic exceeds 2,000.

**Collector Road or Street (Major)** - A road used primarily to serve traffic between neighborhoods and community facilities; principal carrier between arterials and local roads; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two or three lanes; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 500 to 2,000.

**Collector Road or Street (Minor)** - A road used primarily to connect rural residential areas with arterials and major collector roads; has slower speeds to enhance safety; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 250 to 400.

**County Road** - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Governing Body. A county road shall not act as a dividing feature of a lot-of-record.

**County Road District** - For purposes of improving county roads or public roads within the boundaries of a city or drainage district, county road districts may be formed from contiguous territory within the county. All road improvements are initiated through a petition process approved by the County Governing Body. To fund the road improvements, county road districts may assess, levy and collect taxes on all taxable property within the district. See ORS [371.055](#).

**Future Street** - A proposed right of way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

**Half Street** - One half of the right of way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

**Local Access Road** – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication but that is not a county road, state highway or federal road. Local access roads are privately maintained.

**Local Road or Street** - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

**Private Easement Road** - A minimum 30-foot-wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

**Private Road** - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to Section 21.300 of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

**Public Road** - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication. (ORS [368.001](#))

**Road** - The entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road related structures that are in the right of way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right of way such as bridges.

**Road Department** - Wasco County Public Works Department.

**Roadway** - The portion or portions of a right of way developed for vehicular traffic.

**Special Road District** - For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable property within the district; and to do any other act necessary to carry out purposes of the special road district. See ORS [371.305](#).

**Street** - The entire width between the right of way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

**Street Plug or Reserve Strip** - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

**Rotor** - See Wind Power Related Definitions

**Rotor Diameter** - See Wind Power Related Definitions

**Sale or Sell** - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

**Sensitive Habitat Sites** - The sensitive habitat area is the area identified in the Wasco County Comprehensive Plan inventory and site specific ESEE for each sensitive bird site. The sensitive habitat site to be protected by the provisions of this section is defined as the area within one-quarter (¼) mile or one-thousand three hundred twenty (1,320) feet of a sensitive bird site.

Significant sensitive habitat sites located on federal land are not subject to the provisions of this Section unless sensitive habitat area extends onto non-federal land.

Unless identified for interim protection under subsection F of 3.960, only inventoried sites determined to be significant and evaluated for protection through a site specific ESEE analysis are afforded Goal 5 protection.

#### **School Definitions -**

**School (Commercial)** - A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

**School (Elementary)** - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

**School (High)** - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

**School (Nursery)** - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

**School (Primary)** - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

**School (Private or Parochial)** - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

**School (Public)** - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

**Sectional Home** - Defined the same as a modular home.

**Sensitive Wildlife Habitat** - Land areas incorporated in wildlife preserves, refuges, or game management areas; land areas identified as winter range by the Wildlife Commission, State of Oregon; and land areas providing habitat for rare or endangered species listed by the Wildlife Commission, State of Oregon, or by the Bureau of Sport Fisheries and Wildlife, United States Department of the Interior.

**Series Partition or Series Partitioned Lands** - A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.

**Series Partitioner** - Means any person who causes land to be series partitioned into a series partition, or who undertakes to develop a series partition, but does not include a public agency or officer authorized by law to make partitions.

**Sewage** - Water carried human or animal waste and kitchen, bath, or laundry waste, from a building, together with such groundwater infiltration and surface water as may be present.

**Shadow Flicker** - See Wind Power Related Definitions

**Shooting Course** - Any lot(s) or parcel(s) where target shooting (excluding hunting preserves) is conducted on a commercial basis.

**Sidewalk** - A pedestrian walkway with permanent surfacing.

**Sign** - An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two (2) surfaces parallel and back to back on the same structure shall be considered a sign.

**Sign (Advertising)** - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

**Significant Adverse Effect** - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

**Significant Archaeological Sites** - Sites possessing valuable artifacts or evidence of prehistoric cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

**Significant Change** - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconstructing, which may increase the useful life of the facility without increasing long term, off site impacts.

**Single Wide Mobile Home** - One (1) complete living unit constructed on a single chassis.

**Slope** - An incline in an oblique direction from the perpendicular.

**Small Scale Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power)** - A facility for the production of energy and its related components that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS [215.203\(2\)\(b\)\(K\)](#) in all zones which allow "Farm Use" and [215.283\(1\)\(r\)](#) in the Exclusive Farm Use zone; and
- b. Is primarily intended to offset the customer-generator's requirements for energy but may produce more than they can consume.

See “Commercial Power Generating Facility”, “Net Metering Power Facility” and “Non-Commercial/Stand Alone Power Generating Facility” for additional definitions related to energy production.

**Solar Access** - The right of a property owner to have sunlight shine onto the property owner’s land.

**Solar Energy Facility** - A facility which converts solar energy for electricity generation, space heating, space cooling or water heating and which consists of solar panels, photovoltaic laminates, electrical lines, pipes, batteries, mounting brackets, frames, foundation and other appurtenances or devices necessary for the operation of the system wherever installed.

**Solid Waste** - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in ORS [459A.725](#); and
- d. Source separated principal recyclable materials as defined in ORS Chapter [459](#) and the Rules promulgated there under, which have been purchased or exchanged for fair market value.

**Sound Power** - The acoustical energy emitted by the sound source, and is an absolute value. It is not affected by the environment.

**Sound Pressure** - A pressure disturbance in the atmosphere whose intensity is influenced not only by the strength of the source, but also by the surroundings and the distance from the source to the receiver. Sound pressure is what ears hear and what sound meters measure.

**Special District** - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, and sanitary districts.

**Special Road District** - See Road and Access Easement Related Definitions

**Stable (Private)** - A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

**Start of Construction** - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstructions, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

**Story** - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**Story (Half)** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Street** - See Road and Access Easement Related Definitions

**Street Plug or Reserve Strip** - See Road and Access Easement Related Definitions

**Structure** - Anything constructed, erected or built, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

**Structure (Flood Hazard Overlay Section only)** - A walled and roofed building, as well as any gas or liquid storage tank, that is principally above ground, [as well as a manufactured dwelling](#).

**Subdivide** - To effect a subdivision, as applied to this Ordinance.

**Subdivider** - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

**Subdivide Land** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**Subdivision** - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

~~**Substantial Damage**—Damage of any origin sustained by a structure whereby the costs of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~**Substantial Improvement**—Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:~~

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

The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided the alteration will not preclude the structure's continued designation as a “historic structure.”

**Swept Area** - See Wind Power Related Definitions

**Tax Lot** - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation.

**Temporary** - See Forest Land Related Definitions

**Temporary Structure or Use** - A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.

**Tentative Plan Map for Minor Partition** - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to ORS [92.046](#), representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

**Theoretical Horsepower** - See Hydroelectric Related Definitions

**Through Lot** - Lot having frontage on two streets.

**Tiedowns** - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

**Topography** - The configuration of a surface including its relief and the position of its natural and man-made features.

**Tower** - monopole, freestanding, or guyed structure.

**Tourist Court** - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

**Tract** - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is cross by a public road or waterway.

**Travel Trailer** - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Truck Camper** - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flatbed truck, and that is not used as a permanent residence.

**Unique Ecologic Associations** - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

**Unique Geological Features** - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

**Unit of Land** - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

**Upwind** – See Wind Power Related Definitions

**Use** - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

**Use (Conditional)** - The term applied to use which may be permitted by the application for, the issuance of a Conditional Use Permit.

**Use Permit** - A permit allowing a specific use.

**Use (Professional)** - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney at law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

**Use (Prohibited)** - A use not allowed in a zoning district.

**Utility Facility (Minor) (Non-Resource Zones Only)** - Any minor facility owned or operated by a public, private or cooperative company for the local distribution or provision of sewer, water, gas, electricity (utility facility service lines), data, radio or telephone. Cell towers, any structure over 75' in height, and utility facilities that require a Goal 11 Exception constitute a "Utility Facility (Major)".

**Utility Facility (Major) (Non-Resource Zones Only)** - Any major facility owned or operated by a public, private or cooperative company for the generation, transmission, regional distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, sanitary landfills, structures over 75' in height, cell towers and similar facilities, and any utility facility that requires a Goal 11 Exception, but excluding electrical transmission facilities, & natural gas or petroleum product pipelines.

**Utility Facilities Necessary for Public Service (EFU & Forest Zones Only)** - Unless otherwise specified, any facility owned or operated by a public, private or cooperative company for the

transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, reservoirs (may require a Goal 3 or Goal 4 exception), dams & other hydroelectric facilities, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.

**Utility Facility Service Lines** - Utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- a. A public right of way;
- b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- c. The property to be served by the utility.
- d. In the case of non-EFU land, within a utility easement.

**Variance** - A specific deviation from a part of this Ordinance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**Vehicle Site** - The area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hook ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

**Veterinary Hospital** – See Medical Facility Related Definitions

**Veterinary Office** – See Medical Facility Related Definitions

**Violation** - [See Flood Hazard Related Definitions](#)

**Walkway** - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

**Water Dependent** – A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations, including but not limited to bridges, docks, piers, wharfs, certain fish and wildlife structure, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts and motels are not water dependent.

**Water Dependent Uses** - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water dependent uses include but are not limited to: docks, wharfs, piers, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

**Water Related Uses** - Uses not directly dependent upon access to a water body, but whose presence facilitates public and private access to and enjoyment of a water body. Water related uses include but are not limited to: boardwalks, trails, observatories, decks, and interpretive aids. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water related.

**Waterbody** - A lake, wetland, or Class I or Class II stream.

**Watt** - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second.

**Wetland** - Land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands.

#### **Wind Power Related Definitions -**

**Abandoned WECS** - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

**Anemometer** - A device to measure the wind speed, generally mounted to a meteorological tower.

**Blade** - An element of a wind turbine rotor which forms an aerodynamic surface or surfaces to convert movement of air into mechanical energy or torque.

**Building Mounted Wind Turbine** - A Wind Turbine mounted or attached to a building.

**Downwind** - On the opposite side from the prevailing direction from which the wind blows.

**Downwind Properties** - Properties downwind of the project boundary that have been developed as part of a Commercial Power Generating Facility.

**Height of Tower** - The height of the vertical distance from the base of the tower, pole or building on which it is located to the tallest vertical point including any attachment that exceeds the highest point on the tower structure (i.e. maximum blade tip or antennae).

**Nacelle** -The structure which houses all of the generating components, gearbox, drive train and other components of the wind turbine.

**Rotor** - (1) A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy; (2) Rotating element in an electrical generator.

**Rotor Diameter** - Twice the distance from the center of rotation to the outermost point of the blade.

**Shadow Flicker** - The alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object. Shadow Flicker is not the sun seen through a spinning wind turbine rotor, nor what an individual might view moving through the shadows of a wind turbine.

**Swept Area** - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

**Upwind** - On the same side as the direction from which the prevailing wind is blowing - windward.

**Wind Access Rights** - The right of a property owner to have unobstructed commercially viable wind available to the property owner's land.

**Wind Energy Facility** - A facility producing energy from wind and its related or supporting facilities.

**Wind Turbine Horizontal Axis** - A wind turbine on which the rotor axis substantially is parallel to the ground.

**Wind Turbine Tower** - Subsystem of a wind turbine that supports the rotor, or other collection device, above ground.

**Wind Turbine Vertical Axis** - A wind turbine where the rotor axis is vertical.

#### **Wireless Telecommunications Facilities Related Definitions**

**Abandonment** – Wireless telecommunications facilities will be considered abandoned when there has not been a carrier licensed or recognized by the FCC operating on the facility for a period of one year, 365 consecutive days.

**Antenna** – A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, but not limited to, directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips.

**Base station** - A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower. The term includes, but is not limited to: equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks); any structure other than a tower that, at the time an eligible facilities modification application is filed with the County under this Chapter, supports or houses equipment that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. For the purposes of a "Spectrum Act" Modification Request, the term does not include any structure that, at the time the relevant application is filed with the County under this Article, does not support or house equipment described above in the definition.

**Carrier/Provider** – A company that provides wireless services.

**Co-location** – The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Concealment Technology** – The use of technology through which a wireless communications facility is designed to resemble an object that is already present in the natural environment or build environment, or is placed within an existing or proposed structure.

**Eligible Facilities Request** - Any proposed modification of an existing eligible support structure that does not substantially change the physical dimensions of that eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and which involves: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

**Eligible Support Structure** - Refers to any base station or tower as defined in this Article, provided that it is existing at the time the relevant application for a Spectrum Act modification is filed with the County.

**Essential Public Communication Service** - Police, fire and other emergency communications networks.

**Equipment Shelter** – A structure that houses power lines, cable, connectors, and other equipment ancillary to the transmission and reception of telecommunications.

**FCC** – Federal Communications Commission.

**Grade** – The lowest point of elevation of the finished surface of the ground within 5 feet of the structure.

**Maintenance** – Emergency or routine repairs of previously approved facilities and the replacement of components of previously approved facilities which do not create a significant change in visual impact.

**Microcell** – A cell in a mobile phone network served by a low power cellular base station (tower), covering a limited area such as a hotel, and typically the range is less than two kilometers. Microcell antennas are typically mounted at street level on the external walls of existing buildings, lamp-posts and other street furniture. These include small cells and Distributed Antenna Systems (DAS).

**Modification** - The changing of any portion of a tower and its associated facility from its description in a previously approved permit.

**Restoration** - To return a site to its pre-construction condition unless otherwise reviewed and approved by the Planning Director.

**Site** - For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

**Spectrum Act** - Means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 47 U.S.C. § 1455(a), as amended.

**Speculation Communications Tower** - A tower designed for the purpose of providing location mounts for wireless telecommunications facilities without a binding commitment or option to lease a location upon the tower at the time of application.

**Substantial Change** - A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (a) – (d) of this definition.
- g. For purposes of this definition, changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

**Support Structure** - A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.

**Tower** - A pole, telescoping mast, tripod or any other structure that provides support for or is an integral component of such devices as wireless antennas, wind power generation facilities and meteorological measuring and recording equipment.

**Tower Height** - The distance from the finished grade at the tower base to the highest point of the tower, including the base pad and turbine blades, mounting structures and panel antennas, but not including lightning rods and whip antennas.

**Wireless Telecommunication Facility** - An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Freestanding point-to-point microwave dishes, high power television and FM transmission and AM facilities are considered wireless telecommunication facilities.

**Wireless Telecommunication Tower** - Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**Yard** - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

**Yard (Front)** - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

**Yard (Rear)** - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

**Yard (Side)** - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

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

**Yurt** - A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

**Section 3.710 – Flood Hazard Overlay (OZ-1)**

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**A. Background**

**1. Statutory Authorization**

[The State of Oregon has in ORS 203.035 and ORS 197.175 delegated the responsibility to local government units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.](#)

**1.2. Findings of Fact**

- a. The Areas of Special Flood Hazard (ASFH) of Wasco County [preserve the natural and beneficial values served by floodplains but](#) are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. All of which adversely affects the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in the areas of special flood hazard which increase flood heights and velocities, which may damage uses in other areas. Uses that are inadequately protected from flood damage also contribute to the losses associated with the flood.

**Commented [AC1]:** PICM language from Model Code.

**2.3. Statement of Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by implementing provisions designed to:

a. Protect human life and health;

b. Minimize expenditure of public money for costly flood control projects;

~~b.c.~~ Preserve natural and beneficial floodplain functions;

**Commented [AC2]:** PICM language from Model Code.

~~c.d.~~ Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

~~d.e.~~ Minimize prolonged business interruptions;

~~e.f.~~ Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;

~~f.g.~~ Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

~~g.h.~~ Ensure that potential buyers are notified that property is in an area of special flood hazard; and,

i. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

~~h.j.~~ Participate in and maintain eligibility for flood insurance and disaster relief.

~~3.4.~~ Methods of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes methods and provisions for:

a. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- e.f. Employing a standard of “no net loss” of natural and beneficial floodplain functions.

**Commented [AC3]:** PICM language from Model Code.

**B. Applicability**

1. Lands to which this Chapter Applies:

This chapter shall apply to all Areas of Special Flood Hazards ASFH within the jurisdiction of Wasco County.

~~a. Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the Floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by Section 3.711.B – Duties and Responsibilities of the Planning Director. In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.~~

C. Basis for Establishing the ASFH Areas of Special Flood Hazard:

The Areas of Special Flood Hazards identified by the Federal Insurance Administrator on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared ~~to be a~~ part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.

D. Abrogation and Greater Restrictions:

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### E. Severability:

This ordinance and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

#### F. Coordination with State of Oregon Specialty Codes

∴ Pursuant to the requirement established in ORS 455 that Wasco County administers and enforces the State of Oregon Specialty Codes, Wasco County does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in ASFH. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

#### G. Interpretation

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including state building codes.

#### H. Warning And Disclaimer Of Liability

1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

2. This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**Section 3.711 – Designation of the Floodplain Administrator~~Planning Director~~**

- A. Designation of the ~~Planning Director~~ Floodplain Administrator: The Planning Director, or a designee authorized by the Planning Director is hereby appointed to administer ~~and~~ implement, and enforce this chapter by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- B. Duties and Responsibilities of the ~~Floodplain Administrator~~ Planning Director: Duties of the ~~Floodplain Administrator~~ Planning Director, or designee shall include, but not be limited to:

1. Review of Building Permits

~~Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 3.711.B.5), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.~~

2. Interpretation of ASFH Boundaries

~~Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).~~

3. Determination of Appropriate Review Method (Type I or Type II)

~~Review all development permit applications to determine that the appropriate review method (Type I or Type II) is applied. Any application without sufficient evidence to clearly deem the request compatible with the Type I process shall be reviewed through the Type II process.~~

4.1. Development Permit Review

Review all development permits to:

- a. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
  - b. Review all development permits to determine that all other local, state and federal permits have been obtained and approved. necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
  - c. Review all development permits to determine if the proposed development is located in a floodway. If located in a floodway assure that the floodway provisions of this ordinance in Section 3.243.G – Floodways are met;
  - d. Determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Section 3.712.D.7 – Use of Other Base Flood Elevation Data; and
  - e. Provide the County Building Official with the BFE applicable to any building requiring a development permit.
  - f. Determine if the proposed development qualifies as a substantial improvement, as defined in Chapter 1.
  - g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with Section 3.712.D.1 – Alteration of Watercourses.
  - 1-h. Determine if the proposed development activity includes the placement of fill or excavation.
  - i. Determine whether the proposed development activity complies with Section 3.712.I.1 – No Net Loss Standards.
2. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the Area of Special Flood Hazard. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

Commented [AC4]: PICM Model Code Language.

~~(1) If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.~~

~~(2) If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.~~

## 2. Information to be Obtained and Maintained

The Floodplain Administrator shall obtain and maintain the following information:

- a. The actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 3.712.D.7 – Use of Other Base Flood Elevation Data.
- b. The elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the development is consistent with the requirements of Sections 3.712.G - Floodways and 3.711.B.1.b -- Development Permit Review.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- d. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates (EC) submitted to the Floodplain Administrator.
- f. The elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 3.712.D.7 - Use of Other Base Flood Elevation Data.
- g. All floodproofing certificates required under this ordinance;

- h. Submit any new or revised map information that could affect the ASFH to the Federal Emergency Management Agency (FEMA) when it becomes available.
- i. All variance actions, including justification for their issuance;
- j. All hydrologic and hydraulic analyses performed as required under section 3.712.G - Floodways.
- k. All Substantial Improvement and Substantial Damage calculations and determinations as required under Section 3.711.B.4 - Substantial Improvement and Substantial Damage Assessments and Determinations.
- l. Documentation of how not net loss standards have been met (see Section 3.712.l.1 – No Net Loss Standards).
- m. All records pertaining to provisions of this chapter.

~~5. Use of Other Base Flood Data~~

~~When base flood elevation data has not been provided in accordance with Section 3.710.B.2 – Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall require, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 3.712.E – Specific Standards.~~

3. Requirement to Notify Other Entities and Submit New Technical Data

a. Community Boundary Alterations

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps and FIRM accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

~~2-b. Alteration of Watercourses~~ Alterations

Notify adjacent communities, Department of State Lands, Department of Land Conservation & Development, ~~and~~ the Department of Water Resources, and other appropriate state and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

~~—Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.~~

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 3.711.B.3.c. Ensure compliance with all applicable Section 3.711.B.3.c -- Requirement to Submit New Technical Data and Section 3.712.D.1 -- Alteration of Watercourses.

c. Requirement to Submit New Technical Data

~~—~~  
A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a CLOMR prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
- ii. Proposed development, which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR. The Planning Director shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Chapter and all applicable state and federal permits.

#### 4. Substantial Improvement and Substantial Damage Assessments and Determinations

The Floodplain Administrator shall:

- a. Conduct Substantial Improvement (SI) (as defined in Section 1.090 -- Definitions) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 3.711.B.2 -- Information to be Obtained and Maintained.
- b. Conduct Substantial Damage (SD) (as defined in Section 1.090 -- Definitions) assessments when structures are damaged due to a natural hazard event or other causes.
- c. Make SD determinations whenever structures within the special flood hazard area (as established in Section 3.710.C -- Basis for Establishing Special Flood Hazard Area) are damaged to the extent that the cost of restoring the structure to its "before damaged" condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

#### 6. Information to be Obtained and Maintained

- (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section , obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).
- (2) Maintain for public inspection all records pertaining base flood elevations and flood proofing certificates required in Section.

- ~~(3) Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.~~
- ~~(4) Submit any new or revised map information that could affect the ASFH to FEMA when it becomes available.~~
- ~~(5) For all new or substantially improved floodproofed structures:
  - ~~A. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed, and~~
  - ~~B. Maintain the floodproofing certifications required in Section 3.712.C – Application Requirements.~~~~
- ~~(6) Maintain for public inspection all records and data pertaining to this chapter.~~

### **Section 3.712 – Establishment of Development Permit**

#### A. Development Permit Required~~Establishment of Development Permit~~

A development permit shall be obtained before construction or development begins within any ~~area of special flood hazard~~ ASFH established in Section 3.710.B – Applicability. The permit shall be for all structures including manufactured homes, as set forth in ~~the "DEFINITIONS"~~ Section 1.090 -- Flood Hazard Related Definitions, and for all development including fill and other development activities.

- 1. All activities requiring a development permit within any ASFH is prohibited unless all development standards within Section 3.710 are met. The proposed development shall obtain a development permit and meet all applicable conditions of approval.

#### B. Application for Development Permit

Any application for a Development Permit shall be made on forms furnished by the Floodplain Administrator~~Planning Director~~ and shall ~~may~~ include; ~~but not be limited to:~~

- 7. Plans drawn to scale in duplicate showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities;
- 8. The proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved

structures, in accordance with Section 3.711.B.2 – Information to be Obtained and Maintained.

9. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood proofed.

1. General elevation to mean sea level of building site using best information available.

2. —

3. Elevation of the lowest floor (including basement) of all structures.

4. Distance between ground elevation and level to which a structure is to be flood proofed.

4.10. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods for any non-residential structure meet the flood proofing criteria in Section 3.712.EF.63 – Nonresidential Construction Specific Standards.

11. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2.12. BFE data for subdivision proposals or other development when required per sections 3.711.B.1 – Development Permit Review and Section 3.712.D.6 – Subdivision Proposals and Other Proposed Developments.

— Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.

13. Base Flood Elevation certificate when required. If the Floodplain Administrator/director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard ASFH, then the applicant will be required to hire a qualified consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.

14. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

3.15. The amount and location of any fill or excavation activities proposed.

a.1. Establishment of the Development Permit shall be based on the following:

~~1.— Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director’s designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.~~

~~2.— If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWWM, QUICK-2, or other FEMA approved hydraulic or hydrologic modeling programs.~~

~~3.—~~

~~If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.~~

### C. Application Types

~~a.1. Administrative (Type II) Development Permits: The Administrative (Type II) Development Permit provides the default review process for most Development within the ASFH. Type II Development Permits include but are not limited to new structures, creating new impervious surfaces, any construction that reduces to undeveloped space, creates new habitable space, improvements to structures (remodel, repair, etc.), critical facilities, utilities, manufactured homes, recreational vehicles, mining, paving, and other development that is not specifically addressed in 2 Section 3.712.C.2 – Ministerial (Type I) Development Permits below. Type II decisions are subject to review procedures, as defined in Section 2.070.~~

~~b.2. Ministerial (Type I) Nondiscretionary Development Permits:~~

~~1.a. The Ministerial (Type I) Development Permit enables an applicant to apply for certain low impact projects through a more expeditious and less expensive review process. Type I permits are subject to review procedures, as defined in Section 2.070.~~

~~2.b. Any development listed in Section 3.712.BC.1 – Administrative (Type II) Development Permits is excluded from the Type I development review process.~~

c. Type I Development Permits may only be utilized when evaluating uses that are permitted without review in their applicable zone as specified in Chapter 3 of the LUDO. Such development may include normal maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or no expansion of the roof of the structure;

d. Street, sidewalk, and road maintenance, including filling potholes, repaving and installing signs and traffic signals, that does not alter contours, use or alter culverts. These activities shall not include expansion of paved areas.

e. If the applicant does not provide sufficient evidence to fully justify a Type I Development Permit, the request will be reviewed as a Type II Development Permit.

~~3. Such uses may include accessory structures that are less than 200 square feet and less than ten feet (10') in height, wildlife habitat enhancements, fish habitat enhancements, fences, vegetation removal and / or installation, minor grading that does not require the placement of fill, etc.~~

~~4.~~

~~5. If the applicant does not provide sufficient evidence to fully justify a Type I Development Permit, then the request will be reviewed as a Type II Development Permit.~~

#### D. Application Requirements

#### D. General Standards

In all areas of special flood hazards (ASFH), the no net loss standards (see Section 3.712.I.1 – No Net Loss Standards) and the following standards shall be met:~~are required.~~

**Commented [AC5]:** PICM language from the Model Code.

#### 1. Alteration of Watercourses

a. Flood carrying capacity within the altered or relocated portion of said watercourse shall be maintained to ensure that the flood carrying capacity is not diminished.

b. All altered watercourses shall comply with Section 3.711.B.3.b – Watercourse Alterations and 3.711.B.3.c – Requirement to Submit New Technical Data.

~~a.~~

~~b.2.~~ Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. ~~All manufactured homes shall be anchored per Section 3.712.F.4 – Manufactured Homes. must be likewise anchored to prevent flotation, collapse and lateral movement, according to requirements set forth in the Oregon Manufactured Dwelling Specialty Code (See FEMA’s Manufactured Home Installation in Flood Hazard Areas” guidebook for additional information.~~

~~3.~~ 3. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 (Protecting Building Utilities from Flood Damage) for details.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities and Equipment

a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District and Department of Environmental Quality.

b. Electrical, Mechanical, Plumbing and Other Equipment

Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be:

- i. Elevated or located at or above the base flood level or shall be designed and installed so as to prevent water from entering or accumulating within

the components ~~during conditions of flooding~~ and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding.

- ii. Meet all requirements of this section if any of these systems are replaced as part of a substantial improvement.

c. Tanks

- i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- ii. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

5. Subdivision Proposals and Other Proposed Developments

- a. All new subdivision proposals and other new proposed development (including proposals for new manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is lesser, shall include within such proposals, BFE data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
  - i. shall be consistent with the need to minimize flood damage;
  - ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  - iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- 4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).
- iv. Ensure future development complies with no net loss standards in Section 3.712.I.1 – No Net Loss Standards.

## 6. Partition and Property Line Adjustment Proposals

- a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;
- b. Parcels created through these processes shall whenever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.
- c. Parcels created through these processes shall whenever practical be designed so that access to the proposed parcel does not traverse the ASFH.

## 7. Use of Other Base Flood Elevation Data

- a. When BFE data has not been provided in accordance with Section 3.710.C -- Basis for Establishing the Special Flood Hazard Areas, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source, in order to administer Section 3.712 – Establishment of Development Permit.

All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 3.712.D.5 – Subdivision Proposal and Other Proposed Developments.

- b. BFEs shall be determined by the applicant for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser in any “A” zone. Development proposals located within an unnumbered “A” zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. When no base flood elevation data is available the elevation requirement for development proposals within a riverine unnumbered “A” zone is the minimum of two feet above the highest adjacent grade, to be reasonably safe from flooding.

## 8. Critical Facilities

Construction of new critical facilities shall be, to the extent possible:

- a. Located outside the limits of the ASFH (100-year floodplain).

- b. Construction of new critical facilities shall be permissible within the ASFH if no feasible alternative is available and if the development receives approval of a Type II Variance, subject to variance criteria found in Section 6.020.
- c. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE or at the height of the 500-year flood, whichever is higher or to the height of the 500-year flood, whichever is higher.
- d. Access to and from the critical facility should also be protected and constructed to be elevated three feet above the BFE or to the height of the 500-year flood, whichever is higher.
- e. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

9. Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's FIRM the provisions for the more restrictive flood zone shall apply.
- ~~a-b.~~ When a structure is partially located in the ASFH, the entire structure shall meet the requirements for new construction and substantial improvements.

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

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

~~On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.~~

E. ~~Specific Standards:~~ Specific Standards for ASFH

These specific standards shall apply to all new construction and substantial improvements located in the ASFH, in addition to the General Standards listed in Section 3.712.D and the no net loss standards (see Section 3.712.I.1 – No Net Loss Standards):

Commented [AC6]: PICM language from Model Code

#### 1. Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the BFE, including crawl spaces shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. Be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
  - i. A minimum of two openings;
  - ii. The total net area of non-engineered openings shall not be less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
  - iii. The bottom of all openings shall be no higher than one foot above grade;
  - iv. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
  - v. Design and construction shall comply with all additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2, when applicable.

#### 2. Garages

- a. Attached garages may be constructed with the garage floor slab below the BFE in flood zones, if the following requirements are met. In riverine flood zones, if the following requirements are met:
  - i. If located within a floodway the proposed garage must comply with the requirements of Section 3.712.G -- Floodways.

- ii. The floors are at or above grade on not less than one side;
  - iii. The garage is used solely for parking, building access, and/or storage;
  - iv. The garage is constructed with flood openings in compliance with Section 3.712.E.1 -- Garages to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage.
  - vi. The garage is constructed in compliance with the standards in Section 3.712.D – General Standards.
  - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 3.712.F.6 – Appurtenant (Accessory) Structures and non-residential structures in Section 3.712.F.3 – Nonresidential Construction depending on the square footage of the garage.

E.F. Specific Standards for ASFH with Base Flood Elevations

In addition to the general standards listed in Section 3.712.D – General Standards, the following specific standards shall apply in all ASPH with BFE: Zones A1-A30, AH, and AE.

1. Before Regulatory Floodway

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community and will not result in the net loss of flood storage volume. When determined that structural elevation is not possible and where the placement of fill cannot meet the above standard, impacts to undeveloped space must adhere to the no net loss standards in Section 3.712.I.1 – No Net Loss Standards.

**Commented [AC7]:** New PICM language from Model Code.

~~1.2.~~ Residential Construction

- a. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (~~1'~~) above base flood elevation.
- b. Enclosed areas below the lowest floor shall comply with the Flood Opening requirements in Section 3.712.E.1 – Flood Openings.
- ~~c. Fully that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~
- ~~d.~~
- ~~e. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~
- ~~f.~~
- ~~g. The bottom of all openings shall be no higher than one foot above grade.~~
- ~~h. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters into and out of the enclosed areas and shall be accounted for in the determination of the net open area.~~

~~2.3.~~ Non-residential Construction

New construction, conversion to and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall

be provided to the ~~Floodplain Administrator~~Planning Director as set forth in Section ~~3.711.B.2 – Information to be Obtained and Maintained~~ 3.712.B.

- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 3.712.E.1 – Flood Openings~~Specific Standards for Flood Zones~~.
- e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

#### 4. Manufactured Homes

- a. All manufactured homes to be placed (new or replacement) or substantially improved within the ASFH shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam is elevated a minimum of eighteen inches above the base flood elevation.
- b. All foundation flood openings shall comply with Section 3.712.E.1 – Flood Openings.
- c. Manufactured homes to be placed (new or replacement) or substantially improved shall be securely anchored to prevent floatation, collapse and lateral movement during the base flood; and shall be designed in accordance with the provisions of Section 3.712.D.2 – Anchoring. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;

~~4.e.~~ Electrical crossover connections shall be a minimum of 12 inches above BFE.

#### ~~4.5.~~ Recreational Vehicles

Recreational Vehicles placed on sites ~~are required to: with an “A” zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:~~

- ~~4.a.~~ Be on the site for fewer than 180 consecutive days; and

~~2.b.~~ Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

~~3.c.~~ Meet the requirements of Section 3.712.F.4 – Manufactured Homes. ~~3.712.E – Specific Standards above.~~

#### 6. Appurtenant (Accessory) Structures

Relief from elevation or flood-proofing requirements for residential and non-residential structures flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirement for development within a floodway found in Section 3.712.G -- Floodways.
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.
- c. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- d. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 3.712.E.1 – Flood Openings.
- g. Appurtenant structures shall be located and constructed to have low damage potential.

h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 3.712.D.4.c – Tanks.

i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.

#### G. Standards for Floodways

Located within the ASFH established in Section 3.710.C are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the County during the occurrence of the base flood discharge; or

b. The County may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that conditional approval has been obtained by the Federal Insurance Administrator through the Conditional Letter of Map Revision (CLOMR) application process, all requirements established under 44 CFR 65.12 are fulfilled, and the encroachment(s) comply with the no net loss standards in Section 3.712.I.1 – No Net Loss Standards).

c. CLOMR if a request is submitted and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the CFE Section 65.12 are fulfilled.

2. If the requirements of Section 3.712.G.1 – Floodways are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 3.712 – Establishment of Development Permit.

**Commented [AC8]:** PICM language from Model Code.

## H. Standards for Shallow Flooding Areas

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with BFE. For AO zones, the base flood depths range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

### 1. Standards for AH Zones

Development with AH Zones must comply with the standards in Section 3.712.D – General Standards, Section 3.712.E – Specific Standards for Areas of Special Flood Hazard, Section 3.712.F -- Specific Standards for Areas of Special Flood Hazard with Base Flood Elevation, and Section 3.712.H – Standards for Shallow Flooding Areas.

### 2. Standards for AO Zones

In AO zones, the following provisions apply in addition to the requirements in Section 3.712.D – General Standards and Section 3.712.H – Standards for Shallow Flooding Areas:

- a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at a minimum to or above the depth number specified on the FIRM (at least two feet if no depth number is specified). For manufactured homes, the lowest floor is considered to be the bottom of the longitudinal chassis frame beam).
- b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
  - i. Have the lowest floor (including basement) elevated at least two feet above the highest adjacent grade of the building site, at a minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two feet if no depth number is specified);
  - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a

minimum of two feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 3.712.F.3.c – Non-residential Construction.

c. Recreational vehicles placed on sites within AO zones on the FIRM shall either:

- i. Be on the site for fewer than 180 consecutive days, and
- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- iii. Meet the elevation requirements of Section 3.712.H.2.b.ii – Standards for AO Zones, and the anchoring and other requirements for manufactured dwellings of Section 3.712.F.4 – Manufactured Homes.

d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 3.712.F.6 – Appurtenant (Accessory) Structures.

e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 3.243.E.1 – Flood Openings.

#### I. Standards for Protection of ASFH Floodplain Functions

The standards described below apply to all ASFH, as defined in Section 1.090 – Definitions.

##### 1. No Net Loss Standards

- a. No net loss of the proxies for the floodplain functions mentioned in Section 3.712.I.1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are 6-inches dbh or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions.

**Commented [DD9]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

~~No net loss of the three proxies for the floodplain functions mentioned in Section 3.712.I.1 is required for development in the special flood hazard area that would reduce undeveloped space, increase impervious surface, or result in a loss of trees that are six inch DBH (see Section 1.090 – Definitions) or greater. No net loss can be achieved by first avoiding negative effects to floodplain functions to the degree possible, then minimizing remaining effects, then replacing and/or otherwise compensating for, offsetting, or rectifying the residual adverse effects to the three floodplain functions. Prior to the issuance of any development authorization, the applicant shall:~~

- ~~— Demonstrate a legal right in writing by the project proponent to implement the proposed activities to achieve no net loss;~~
- ~~— Demonstrate that a Maintenance and Access Agreement between the property owner and Wasco County is signed and recorded on the subject property to ensure the long-term maintenance and monitoring of all projects to achieve no net loss;~~
- ~~— The Maintenance and Access Agreement between the property owner and Wasco County shall identify the responsible site manager, stipulates what activities are allowed on site, and requires the posting of signage identifying the site as a mitigation area.~~

b. ~~Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss.~~

~~Compliance with no net loss for undeveloped space or impervious surface is preferred to occur prior to the loss of habitat function but, at a minimum, shall occur concurrent with the loss. To offset the impacts of delay in implementing no net loss, a 25 percent increase in the required minimum area is added for each year no net loss implementation is delayed.~~

c. No net loss must be provided within, in order of preference: 1) the lot or parcel that floodplain functions were removed from, 2) the same reach of the waterbody where the development is proposed, or 3) the special flood hazard area within the same hydrologically connected area as the proposed development. Table 3.712.I – 1 No Net Loss Mitigation presents the no net loss ratios, which increase based on the preferences listed above.

## 2. Undeveloped Space

**Commented [DD10]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

**Commented [DD11]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

**Commented [DD12]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

a. ~~Development proposals shall not reduce the fish-accessible and egress-able habitat and flood storage volume created by undeveloped space within the special flood hazard area. A development proposal with an activity that would impact undeveloped space shall achieve no net loss of fish-accessible and egress-able space and flood storage volume.~~

i. ~~Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 3.712.I – 1 No Net Loss Mitigation.~~

ii. ~~Hydrologically connected to the waterbody that is the flooding source;~~

~~Development proposals shall not reduce the fish-accessible and egress-able undeveloped space within the special flood hazard area.~~

~~A development proposal with an activity permitted through Section 3.712, in undeveloped space within the ASFH shall achieve no net loss of fish-accessible and egress-able space.~~

~~Lost undeveloped space must be replaced with fish-accessible and egress-able compensatory volume based on the ratio in Table 3.712.I – 1 No Net Loss Mitigation and at the same flood level at which the development causes an impact (i.e., plus or minus one foot of the hydraulically equivalent elevation).~~

~~Hydraulically equivalent sites must be found within either the equivalent one-foot elevations or the same flood elevation bands of the development proposal. The flood elevation bands are identified as follows:~~

~~— Ordinary High Water Mark to 10-year;~~

~~— 10-year to 25-year;~~

~~— 25-year to 50-year; and~~

~~— 50-year to 100-year~~

~~Hydrologically connected to the waterbody that is the flooding source;~~

~~Designed so that there is no increase in velocity; and~~

~~Designed to fill and drain in a manner that minimizes anadromous fish stranding to the greatest extent possible.~~

**Commented [DD13]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

**Commented [DD14]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

### 3. Impervious Surfaces

Impervious surfaces shall be designed so that there is no increase in velocity, and mitigation shall be implemented through any of the following options:

**Commented [DD15]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

a. Development proposals shall not result in a net increase in impervious surface area within the ASFH, through the use of ratios prescribed in Table 3.712.I – 1 No Net Loss Mitigation, or

**Commented [DD16]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

b. Use low impact development or green infrastructure to infiltrate and treat stormwater produced by the new impervious surface area within the ASFH, or

c. If prior methods are not feasible and documented by a qualified professional, stormwater retention is required to ensure no increase in peak volume or flow and to minimize infiltration, and treatment is required to minimize pollutant loading. See Section 3.712.I.5 – Stormwater Management for stormwater retention specifications.

### 4. Trees

a. Development proposals shall result in no net loss of trees 6-inches DBH or greater within the special flood hazard area. This requirement does not apply to silviculture where there is no development.

i. Trees of or exceeding six inches DBH that are removed from the RBZ, Floodway, or RBZ-fringe must be replaced at the ratios in Table 3.712 – 1.

ii. Replacement trees must be native species that would occur naturally in the Level III Ecoregion (See Section 1.090 – Definitions) of the impact area.

### 5. Stormwater Management

Any development proposal that cannot mitigate as specified in Section 3.712.I.3.a-b must include the following:

a. Water quality (pollution reduction treatment for post-construction stormwater runoff from any net increase in impervious area; and

b. Water quantity treatment (retention facilities).

c. Retention facilities must:

- i. Limit discharge to match the pre-development peak discharge (i.e., the discharge rate of the site based on its natural groundcover and grade before any development occurred) for the 10-year peak flow using a continuous simulation for flows between 50 percent of the 2-year event (annual series).
- ii. Treat stormwater to remove sediment and pollutants from impervious surfaces such that at least 80 percent of the suspended solids are removed from stormwater prior to discharging to the receiving water body.
- iii. Be designed not to entrap fish ~~and drain to the source of flooding.~~
- iv. Be certified by a qualified professional.

**Commented [DD17]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

d. Detention facilities must:

- i. Drain to the source of flooding.
- ii. Designed by a qualified professional.

**Commented [DD18]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

e. Stormwater treatment facilities designed to serve and treat stormwater for multi-parcels, including subdivisions, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include:

- i. Access to stormwater treatment facilities at the site by the County for the purpose of inspection and repair.
- ii. A legally binding document specifying the parties responsible for the proper maintenance of the stormwater treatment facilities. The agreement will be recorded and bind subsequent purchasers and sellers even if they were not party to the original agreement.
- iii. For stormwater controls that include vegetation and/or soil permeability, the operation and maintenance manual must include maintenance of these elements to maintain the functionality of the feature.
- iv. The responsible party for the operation and maintenance of the stormwater facility shall have the operation and maintenance manual on site and

available at all times. Records of the maintenance and repairs shall be retained and made available for inspection by the County for five years.

#### 6. Activities Exempt from No Net Loss Standards

The following activities are not subject to the no net loss standards in Section 3.712.1.1 – No Net Loss Standards; however, they may not be exempt from floodplain development permit requirements.

- a. Maintenance of structures, such as re-roofing and replacing siding, provided there is no change in the footprint or expansion of the roof of the structure;
- b. Street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;
- c. Routine maintenance of landscaping that does not involve grading, excavation, of filling;
- d. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
- e. Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal as long as root balls are left in place;
- ~~Routine silviculture practices that do not meet the definition of development, including harvesting of trees as long as root balls are left in place and forest road construction or maintenance that does not alter contours, use, or alter culverts;~~
- f. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
- g. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
- h. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal

**Commented [DD19]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

**Commented [DD20]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition of protection on the face or toe with rock armor.

i. Habitat restoration activities;

j. Pre-emptive removal of documented susceptible trees to manage the spread of invasive species;

k. Projects that are covered under separate consultations under Section 4(d), 7, or 10 of the Endangered Species Act (ESA).

**Commented [DD21]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

## 7. Riparian Buffer Zone (RBZ)

a. The Riparian Buffer Zone is measured from the ordinary high-water line of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or mean higher-high water (MHHW) of a marine shoreline or tidally influenced river reach to 170 feet horizontally on each side of the stream or inland of the MHHW. The riparian buffer zone includes the area between these outer boundaries on each side of the stream, including the stream channel.

~~Habitat restoration activities in the RBZ are considered self-mitigating and are not subject to the no net loss standards described above.~~

**Commented [DD22]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

b. Functionally dependent uses are only subject to the no net loss standards in Section 3.712.I.1., for development in the RBZ. Ancillary features that are associated with but do not directly impact the functionally dependent use in the RBZ (including manufacturing support facilities and restrooms) are subject to the beneficial gain standard, in addition to no net loss standards.

**Commented [DD23]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

c. Any other use of the RBZ requires a greater offset to achieve no net loss of floodplain functions, on top of the no net loss standards described above, through the beneficial gain standard.

d. Under FEMA's beneficial gain standard, an area within the same reach of the project and equivalent to 5% of the total project area within the RBZ shall be planted with native herbaceous and shrub vegetation and designated as open space.

Table 3.712.I – 1 No Net Loss Mitigation

Basic Mitigation Ratios	Undeveloped Space (ft <sup>3</sup> )	Impervious Surface (sq. ft.)	Trees (6 inches < DBH ≤ 20 inches)	Trees (20 inches < DBH ≤ 39 inches)	Trees (39 inches < DBH)
RBZ and Floodway	2:1 <sup>H</sup>	1:1	3:1 <sup>H</sup>	5:1	6:1
RBZ-fringe	1.5:1 <sup>H</sup>	1:1	2:1 <sup>H</sup>	4:1	5:1
<b>Mitigation Multipliers</b>					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5 <sup>th</sup> field)	200% <sup>H</sup>	200%*	200% <sup>H</sup>	200%	200%

Notes:

~~Ratios with asterisks are indicated in the 2016 National Marine Fisheries Service Biological Opinion, finding that current practices threaten 16 ESA-listed fish species (including the Orca that relies on the endangered fish). NMFS recommended that FEMA establish new requirements leading to “no net loss of floodplain function” in designated areas.~~

~~Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios in the rows above, while multipliers of 200% result in the required mitigation being doubled.~~

~~For example, if only 500 sq. feet of the total 1,000 sq. feet of required pervious surface mitigation can be conducted onsite and in the same reach, the remaining 500 sq. feet of required pervious surface mitigation occurring offsite at a different reach would double because of the 200% multiplier.~~

~~RBZ impacts must be offset in the RBZ, on-site or off-site.~~

~~Additional standards may apply in the RBZ (See Section 3.712.I.7 – Riparian Buffer Zone.)~~

1. Mitigation multipliers of 100% result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200% result in the required mitigation being doubled.

a. For example, if a development would create 1,000 square feet of new impervious surface, then 1,000 square feet of new pervious surface would need to be created. However, if only 500 square feet can be created within the same reach, the remaining 500 square feet created within a different reach would need to be double the required amount because of the 200 percent multiplier. In other words, another 1,000 square feet of pervious surface would need to be created at the location in the different reach, in addition to the 500 square feet created within the same reach.

2. Partition and Property Line Adjustment Proposals

**Commented [DD24]:** The asterisk was removed in the November 27, 2024 FEMA Model Code Update.

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**Commented [DD30]:** This subsection was removed in the November 27, 2024 FEMA Model Code Update.

**Commented [DD31]:** This subsection was updated in the November 27, 2024 FEMA Model Code Update.

- d. ~~All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;~~
- e. ~~Parcels created through these processes shall wherever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.~~
- f. ~~Parcels created through these processes shall wherever practical be designed so that access to the proposed parcel does not traverse the ASFH.~~

### 3. ~~Subdivision Proposals~~

- ~~A.a. All subdivision proposals shall be consistent with the need to minimize flood damage;~~
- ~~B.a. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;~~
- ~~C.a. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,~~
- ~~D.a. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).~~

### 4. ~~Manufactured Homes~~

- ~~1. All manufactured homes to be placed or substantially improved within the ASFH shall be elevated on a permanent foundation such that the such that the bottom of the longitudinal chassis frame beam is elevated a minimum of one eighteen inches (18") above the base flood elevation and~~
- ~~2.~~
- ~~3. be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement, and shall be in accordance with the provisions of Section 3.712.D.1 – General Standards.~~

~~— Fully enclosed areas below the lowest floor that are subject to flooding shall comply with Sections above. Non-structural metal or vinyl skirting does not constitute a “fully enclosed area”.~~

~~4.d. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).~~

~~5. Recreational Vehicles: Recreational Vehicles placed on sites with an “A” zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:~~

~~4. Be on the site for fewer than 180 consecutive days; and~~

~~5. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~

~~6. Meet the requirements of Section 3.712.E – Specific Standards above.~~

~~6. Non-residential Construction: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

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

~~f. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,~~

~~g. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director as set forth in Section 3.712.C.~~

~~h. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 3.712.E.1 – Specific Standards.~~

~~i. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the~~

floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

7. ~~Storage of Hazardous or Toxic Materials: The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the property. This may require alterations to a structure or development to ensure that the potential storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.~~
8. ~~Critical Facilities: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area Special Flood Hazard (ASFH) (100-year floodplain). Construction of new critical facilities shall be permissible subject to an Administrative Variance (LUDO Chapters 6 and 7) within the ASFH if no feasible alternative site is available. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.~~
9. ~~Development within Riparian Areas: The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for "No-Rise" Certification for Proposed Development in the Regulatory Floodway.~~
10. ~~Fish Habitat Structures: Projects for stream habitat restoration may be allowed subject to a Type I or Type II review provided:
  - A. ~~The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023), and~~
  - B. ~~The applicant supplies a feasibility analysis and certification from a qualified professional that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically as possible, and that no structures would be impacted by a potential rise, and~~
  - C. ~~No structures would be impacted by a potential rise in flood elevation, and~~~~

~~D. An agreement to monitor the project, correct problems, and ensure that the flood-carrying capacity remains unchanged is included with the application.~~

~~E. Qualified professionals may include private hydrology or hydraulic consultants, or hydrology or hydraulic professionals from the Soil and Water Conservation District, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, or similar qualified agency.~~

~~F. Other restrictions set forth in the most recent applicable Policy from FEMA may be required of such projects.~~

### Section 3.713 – Variances

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

A. Variances to any Flood Hazard Overlay regulations shall be reviewed administratively, in accordance with Section 2.070.B --Type II Administrative Review Procedures, unless the Planning Director elects the matter to be heard before the Planning Commission or other authorized review authority.

#### B. Conditions for Variances:

1. ~~Generally, Variances may be issued for the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. Variances shall be approved only upon a finding that the provisions of Section 3.713.C.2 through 4 are met, providing items (1-11) in Section 3713.A have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.~~

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

3. Variances shall only be issued upon:

a. The request is the minimum necessary to avoid relief, considering the flood hazard;

- b. A showing of good and sufficient cause;
- c. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- d. A demonstration that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. Variances may be issued by the Floodplain Administrator for new construction and for other development necessary for the conduct of a functionally dependent use if the criteria of 3.713.C.2-4 are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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

5. Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

7. Variances shall not be issued unless it is demonstrated that the development will not result in net loss of the following proxies for the three floodplain functions in the ASFH: undeveloped space; pervious surface; or trees six inches DBH (see Section 1.090 – Definitions) or greater (see Section 3.712.I.1 and associated options in Table 3.712.I – 1 No Net Loss Mitigation.)

8. The Floodplain Administrator may attach conditions to the granting of the variance as is deemed necessary to further the purposes of this ordinance.

### C. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased

**Commented [AC32]:** PICM language from Model Code

premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 3.711.B.2 – Information to be Obtained and Maintained.

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

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

— Variances shall only be issued upon:

— A showing of good and sufficient cause;

— A determination that failure to grant the variance would result in exceptional hardship to the applicant;

— A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

— Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

— Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 3.713.E.1 and otherwise complies with Sections 3.712.D.1 and 3.712.D.2 of the General Standards.

— Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

A.—

~~B. In considering a variance to floodplain standards, the Planning Director or his designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
- ~~2. The danger to life and property due to flooding or erosion damage;~~
- ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~4. The importance of the services provided by the proposed facility to the community;~~
- ~~5. The necessity to the facility of a waterfront location, where applicable;~~
- ~~6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
- ~~7. The compatibility of the proposed use with existing and anticipated development;~~
- ~~8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
- ~~9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
- ~~11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~C. Upon consideration of the factors in B., and the purposes of this ordinance, conditions may be attached to the granting of the variance as is deemed necessary to further the purposes of this ordinance.~~

~~D. Records of all appeal actions shall be maintained by Wasco County and any variances shall be reported to the Federal Insurance Administration upon request.~~

~~E.A. Conditions for Variances:~~

~~b.1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 3.713.A have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.~~

~~c.1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.~~

~~d.1. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~e.1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~f.1. Variances shall only be issued upon:~~

~~a. A showing of good and sufficient cause;~~

~~b.a. A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~

~~c.a. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~g.1. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~

~~h.1. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 3.713.E.1 and~~

~~otherwise complies with Sections 3.712.D.1 and 3.712.D.2 of the General Standards.~~

~~i.1. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

### Section 3.714 – Appeals

Appeals shall be processed as described in [Section 2.110 Chapter 2 of this Ordinance](#).

### Section 3.715 – Compliance and Penalties for Noncompliance Required

~~a.A.~~ All development within the ASFH is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations. ~~No person shall construct, erect, locate, maintain, repair, alter, enlarge, or change the use of a structure located within the ASFH in violation of this Ordinance.~~

~~b.B.~~ No person shall initiate any development within the ASFH in violation of this Ordinance.

~~c.C.~~ The construction, erection, location, maintenance, repair, alteration, enlargement or change in use of any structure, or the initiation of any development in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a violation nuisance and shall be subject to the Chapter 15 – Administration and Enforcement, provisions of the Wasco County Code Compliance and Nuisance Abatement Ordinance.

### Section 3.716 – Revising FIRM Maps

~~i.~~ Reasons to Revise FIRMs: The Wasco County FIRMs were established in 1984. Advances in technology along with physical changes in a given flood situation may necessitate a FIRM map being updated, revised, corrected, or changed. Common reasons why a FIRM may need to be changed include correcting certain features, including better ground elevation data, reflecting physical changes to the floodplain, submitting new or revised flood data, or to reflect a new flood control project.

Regardless of the reason a FIRM is changed, all changes must be submitted to FEMA and retained by Wasco County.

ii. ~~Types of Changes: There are four approaches to changing FIRMs. They include restudies, limited map maintenance projects, amendments, and revisions. Any request for a restudy, amendment or revision must be reviewed by Wasco County for compliance with this chapter.~~

~~a. Restudy~~

~~1. A restudy is a new Flood Insurance Study for a part or all of a community.~~

~~2. Restudies are typically large scale projects conducted by FEMA~~

~~b. Limited Map Maintenance Project (LMMP)~~

~~A. A LMMP is a small scale restudy that is limited in size and cost. This type of study is often used for studies of unnumbered A Zones, like those found in Wasco County.~~

~~B. A LMMP may be conducted by FEMA or the community.~~

~~c. Revision~~

~~a. A revision is typically used for:~~

~~i. Scientifically based challenges to flood elevations, or~~

~~ii. Incorporation of new flood data, or~~

~~iii. Reflecting fill placed in the floodplain, or~~

~~iv. Changing floodplain boundaries,~~

~~b. Revisions may be conducted by FEMA, requested by the community, or requested by property owner(s).~~

~~d. Amendment~~

~~a. An amendment is only used to remove an area that was inadvertently included in the ASFH. Often the ground is higher than depicted on the base map used for the FIRM.~~

~~b. FEMA will review map amendments based on information submitted by the applicant. An amendment does not challenge the Flood Insurance Study or FIRM;~~

it simply removes certain portions of a property from the ASFH because they are higher than the Base Flood Elevation

iii. — Requesting Map Changes

FEMA may actually change a FIRM and publish new copies. A restudy or LMMP will generally result in a new map. Additionally, FEMA may issue a Letter of Map Change (LOMC) when a revision can be adequately described in writing or through use of a small annotated map panel.

— There are two types of LOMCs; a Letter of Map Revision (LOMR) and a Letter of Map Amendment (LOMA).

i. — Letters of Map Revision (LOMRs) address revisions to the FIRM as described in Section B.3 above. A LOMR may be requested of FEMA by the applicant. A copy of the final LOMR must be provided to the County. FEMA typically charges a processing fee for all LOMRs.

ii. — Letters of Map Amendment (LOMAs) address revisions to the FIRM as described in Section B.4 above. A LOMA may be requested of FEMA by the applicant. A copy of the final LOMA must be provided to the County. FEMA may not charge a processing fee for a LOMA.

**Section 3.717 — Notes on Insurance**

The provisions of this section are provided for informational purposes and are subject to change without notice.

a. — Coverage: Flood insurance is available for insurable buildings and their contents to property owners within the ASFH

b. — Waiting Period: Unless a Flood Insurance Policy is purchased at the time of closing, a 30-day waiting period typically follows the purchase of that policy before it goes into effect.

c. — Mandatory Flood Insurance Purchase: If a building is located within the ASFH, a federally regulated lender is required by law to require the recipient of the loan to purchase a Flood Insurance Policy on the building. This policy is typically equal to the value of the mortgage on the building.

d. — Lender's Choice: Although a lender may not be required by law to secure a Flood Insurance Policy on a building or structure located outside of the ASFH, it may choose to

~~require coverage as a condition of a loan for any property. Neither Wasco County, nor FEMA control this requirement.~~

~~e. Flood Insurance for Contents: Mandatory Flood Insurance as described above typically does not cover the contents of the building unless an additional voluntary insurance policy is purchased specifically for the contents.~~

~~Further elevation of a structure beyond the required one foot (1') above BFE may significantly reduce the cost of a Flood Insurance Policy.~~