

**ARTICLE 20.00  
SUPPLEMENTARY PROVISIONS**

**20.01 GENERAL PROVISIONS FOR DWELLINGS ON LEGALLY CREATED PARCELS**

Every dwelling hereafter erected shall be located on a legally created parcel, and there shall be no more than one dwelling on one lot, except:

1. A dwelling unit demonstrated to be in conjunction with farm use, or allowed outright; or
2. Where a conditional use permit has been obtained.

**20.02 USES PERMITTED ON SUBSTANDARD LEGALLY CREATED PARCELS**

Any previously created lot, or the aggregate of contiguous lots or land parcels held in a single ownership, of less than the lot size requirement of the zone in which the property is located that was legally created on or prior to April 11, 1979, and that conformed with the previous applicable Ordinance, shall be eligible for a residential dwelling based on the applicant's ability to demonstrate with facts sufficient to develop findings to satisfy one of the following sets of criteria:

1. Farm Dwelling.  
Approval of a single-family dwelling in conjunction with a farm use on a parcel greater than 20-acres shall conform to the following criteria:
  - A. The parcel is currently employed in agricultural use, is typical of the existing commercial agricultural operation in the surrounding area, and is of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in ORS 215.203 (2) (c) and taking into account:
    - (1) Soil types and patterns in the area and typical yields;
    - (2) Type of crops grown in the area and typical yields;
    - (3) Potential markets;
    - (4) Other relevant information included in the agricultural element of the Union County Plan; and
  - B. The proposed use is compatible with the farm use in the

area and does not interfere either in itself or in the location of the improvements, with "current accepted practices" as that term is defined in ORS 215.203(2) (c) which characterizes such use;

2. Forest Dwelling.

Approval of a single-family forest dwelling on a parcel greater than 20-acres shall be dependent on the applicants ability to demonstrate that the dwelling is necessary for and is incidental and secondary to the main forest use.

An applicant for a forest residence must provide, at a minimum, the following information. Additional information may also be required.

- A. A description of the parcel, including soil types, forest site classes, forest species, ages and densities, topography, streams, wetland areas, roads, structures, and other significant geographic features.
- B. A determination of which forest use(s) the forest residence is needed for.
- C. A discussion of why the forest residence is needed to conduct the forest use(s) identified in B. above.
- D. A discussion of methods and practices the landowner is or will be using to conserve forest resources, including, but not limited to:
  - \_\_\_\_\_soil conservation and erosion control;
  - \_\_\_\_\_fire protection;
  - \_\_\_\_\_brush management;
  - \_\_\_\_\_fish and wildlife habitat management;
  - \_\_\_\_\_harvest and revegetation plans;
  - \_\_\_\_\_stream quality protection; and
  - \_\_\_\_\_fencing requirements and costs.
- E. Meets one or more of the standards listed below and meets the overall intent of the standards listed below better than any other alternative site on the parcel.
  - (1) The structure is sited on the "least suitable" portion of the parcel in question for forest or grazing uses.
  - (2) The structure is clustered among or near other bexisting structures.
  - (3) The structure is located so as to have the least amount of impact on lands engaged in the propagation of timber.
  - (4) Domestic water supplies for all development within the A-4 Zone shall emanate from surface or subsurface water sources either contained within the boundary of the property or legally acquired through easement or water rights from adjacent properties.
  - (5) The homeowner shall maintain water supply and fire fighting equipment deemed adequate to contain fire from spreading to surrounding areas.

- (6) The structure is sited in a manner which complies with such other conditions as the approving authority considers necessary.
3. Those substandard legally created parcels which can meet the following six specific criteria are guaranteed a building right for one single-family dwelling as an outright use. The County Planning Department will keep a record of all such approvals and submit the record to the Land Conservation and Development Commission before the end of each even-number year.
  - A. The lot was acquired (transferred to or created) by the present owner between January 1, 1965 and January 1, 1975;
  - B. A single-family dwelling was an allowed use when the present owner acquired the lot;
  - C. The lot is in an unincorporated area and outside Greenway and hazard area;
  - D. The lot is outside of areas designated for urban (land within an UGB is assumed to be earmarked for urban uses), industrial, and commercial uses;
  - E. The lot is not contiguous to another legally created parcel under the same ownership (including lots transferred among relatives); and
  - F. The lot has not received farm or forest use assessment for more than 5-years (any 5 years).
4. When an applicant fails to comply with the standards in Section 20.02 1., 2., or 3. above, the proposed residential dwelling shall be recognized as a nonfarm or nonforest dwelling and comply with procedures and standards in Sections 24.05 and 24.06.

### **20.03 GENERAL PROVISIONS REGARDING ACCESSORY USES**

Accessory uses shall comply with requirements for the principal use except where specifically modified by this Ordinance.

### **20.04 GENERAL EXCEPTIONS TO YARD REQUIREMENTS**

The following exceptions to the front yard requirements of a dwelling are authorized for a lot in any zone. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the subject lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front

yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

## **20.05 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS**

The following structures or structural parts are not subject to the building height limitations of this Ordinance except as provided in Section 16.06; chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, elevator flagpoles, radio and television towers, water towers, elevator shafts, windmills, conveyors, and other similar projections.

## **20.06 PROJECTIONS FROM BUILDINGS**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall meet with uniform building code regulations.

## **20.07 CLEAR-VISION AREAS**

A clear-vision area shall be maintained on the corners of all property at the intersection of two or more streets or a street and a railroad.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified below in subsection 3, or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
2. A clear-vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street or road center line grade except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
3. The following measurements shall establish clear-vision areas:
  - A. In an A-1, A-2, A-3, A-4, R-1, R-2, or R-3 Zone the minimum distance shall be 30-feet or, at intersections including an alley, 10-feet.
  - B. In all other zones where yards are required, the minimum distance shall be 20-feet or, at intersections including an alley, 10-feet, except that when an angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 30 feet.

## **20.08 RIPARIAN ZONE SETBACKS**

In order to maintain vegetative cover along Class I streams, rivers and lakes known as riparian habitat a setback for any new development such as structures or roads shall be required on a sliding scale proportional to one-half the stream width, at right angles to the annual high-water line or mark. A minimum of 25-feet either side of streams will be recognized. Woody vegetation presently existing in the riparian zone shall be maintained, however, thinning or harvesting of merchantable tree species may occur within the riparian zone where 75 percent of the existing shade over the stream is maintained.

## **20.09 SIGNIFICANT GOAL 5 RESOURCE AREAS**

1. Any land use action requiring County zoning or partitioning approval or any activity listed as a conflict in this ordinance which is within 1320 feet of or could have an impact on:
  - A. Significant historical sites or structures,
  - B. Significant scientific or natural areas,
  - C. Significant aggregate resource sites,
  - D. Big game critical wildlife habitat area and big game winter range
  - E. Significant avian habitat
  - F. Significant wetlands, and
  - G. Designated Scenic Waterways identified by the Union County Land Use Plan, shall be reviewed by the Planning Director for appropriate public notification measures and conflict resolution.
2. Affected Land Management Agencies, landowners and interested persons will be notified of the proposed land use action and will be given an opportunity to submit testimony per the applicable application procedure prior to a decision on the land use action.
3. Review Classifications
  - A. When a 3A or 3C (limit conflicting uses) decision has been made as indicated in the comprehensive plan, the applicant must, in coordination with the responsible agency, develop a management plan which would allow for both

resource preservation and the proposed use. If the responsible agency and the applicant cannot agree on such a management plan, the proposed activity will be reviewed through the conditional use process. 3A sites will be preserved where potential conflicts may develop. Conflicts will be mitigated in favor of the resource on 3C sites.

- B. When a 3B (allow conflicting uses) decision has been made as indicated on Goal 5 inventory sheets, the request shall not be subject to the standards of this Section.
4. Under the conditional use process land use decisions will consider the economic, social, environmental, and energy consequences when attempting to mitigate conflicts between development and resource preservation.
  5. The following criteria shall be considered, as applicable, during the appropriate decision making process:
    - A. **ECONOMIC:** The use proposed is a benefit to the community and would meet a substantial public need or provide for a public good which clearly outweighs retention of the resources listed in Section 18.09 (1):
    - B. **SOCIAL:** The proposed development would not result in the loss of or cause significant adverse impact to, a rare, one of a kind or irreplaceable resource as listed in Section 18.09 (1).
    - C. **ENERGY:** The development, as proposed, would support energy efficient land use activities for such things as transportation costs, efficient utilization of urban services, and retention of natural features which create micro climates conducive to energy efficiency.
    - D. **ENVIRONMENTAL:** If alternative sites in Union County for proposed development are available which would create less of an environmental impact of any of the resources listed in Section 18.09 (1), major consideration should be given to these options.
  6. The reviewing body may impose the following conditions, as applicable upon a finding of fact that warrants such restrictions:
    - A. **SIGNIFICANT AGGREGATE SITES:** Residences and uses listed as conditional uses may be required to provide screening, landscaping, and/or setbacks in excess of those required in the zone in which the lot or parcel is located. The required screening, landscaping, and setback shall be determined by the Planning Director after meeting with the applicant and the owner of the aggregate resource land to ensure compatibility between present and future

uses on the properties. Such setback shall be no less than 50 feet and no greater than 1320 feet.

- B. **WETLANDS AND NATURAL AREAS:** Limitations may be required on draining, filling, structural development, and/or removal of vegetation in order to protect and preserve existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- C. **BIG GAME WINTER RANGE AND BIG GAME CRITICAL HABITAT:**  
A proposed new structure requiring a conditional use may be required to:
  - 1. Be located as close as possible to an ADJACENT compatible structure (a compatible structure shall be any structure which does not adversely affect the intended use of another structure);
  - 2. Share a common access road or where it is impossible to share a common access road, locate as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest road.
- D. **AVIAN HABITAT:** Any proposed activity permitted outright or conditionally may be required to establish a setback from critical nesting or roosting areas and to preserve existing trees, vegetation, and water resources.
- E. **DESIGNATED SCENIC WATERWAYS:** The applicant for a proposed use that is to be located within the Minam River Scenic Waterway and that is regulated under the Oregon Scenic Waterways Rules shall obtain a notice to proceed from the State Highway Commission or the time limit for review by the State Highway Commission shall have expired prior to obtaining a zoning or building permit from the County.

## **20.10 SITE PLAN REQUIREMENTS**

- 1. Land development in areas classified within the Zoning Ordinance as I-1: Light Industrial; I-2: Heavy Industrial; PA: La Grande Public Airport; SM: Surface Mining; AP: Airport Overlay Zone; and multi-family dwellings, allowed either outright or conditionally shall be subject to the provisions of this section. Before a new building may be constructed or an existing building may be enlarged or substantially altered, a site development plan shall be submitted to the Planning Commission for approval. Appeals of Planning Commission decisions will be to the County Court.
  - A. The applicant shall submit Site Plans to the Planning Department for consideration. These shall be drawn to scale and of sufficient detail to insure

their review in compliance with this section. A Site Plan shall include the following:

- (1) Property lines of subject property(ies).
- (2) Existing and proposed building locations, dimensions and height in respect to the subject property.
- (3) Off-street parking spaces and loading areas.
- (4) Existing and proposed points of ingress and egress – including vehicular, bicycle, and pedestrian ways.
- (5) All proposed screening and landscaping.
- (6) Existing topographic and preliminary grading plan.
- (7) Adjacent road rights-of-way and the location of existing and proposed road facilities, including the provision for the connection of proposed roads with existing roads.
- (8) Existing and proposed lighting including location, size and type of signs and other advertising features.

B. The Planning Commission may request any additional information it deems necessary to insure proper development of the property.

C. Site plans shall be either approved or conditionally approved pending modification.

2. Plan Review Considerations: Review of the site plan in consideration of any proposed construction shall include the following considerations:

- A. Height limitations on buildings and structures.
- B. Off-street parking ratios.
- C. The location, width, and improvements of vehicular, bicycle and pedestrian access based on requirements of the Transportation System Plan.
- D. Limitation upon the size, dimension, lighting and location of signs and advertising structures.
- E. Location and size of off-street loading areas.
- F. Landscaping and screening of grounds and storage areas.



- G. Measures designed to minimize environmental impacts from noise, dust, odor, fumes, vibration, smoke and glare which would have an adverse effect on adjacent properties.
  - H. Measures taken to conserve energy or maximize use of alternate energy resources.
  - I. Location and dimension of structures.
3. Plan Review in La Grande Public Airport Zone: Public notice of the proposed construction shall be given by mail at least ten days prior to the day of the Planning Commission review of the Site Plan to the Federal Aviation Administration, Oregon Aeronautics Division, and La Grande Airport Commission. In addition to #2 PA above, review of the Site Plan in a Zone shall assure that the following are not allowed:
- A. The creation of electrical interference with navigational signals or radio communication between the airport and aircraft.
  - B. Placement of lights which makes it difficult for pilots to distinguish between these and airport lights.
  - C. Location of materials which results in glare in the eyes of pilots.
  - D. Industrial discharge impairing visibility.
  - E. Creation of water impoundments or landfills which would attract birds, creating bird strike hazards.
  - F. Placement of structures so as to endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

**20.11 OFF-STREET PARKING AND LOADING**

- 1. OFF-STREET PARKING: At the time of erection of a new structure, or at any time of enlargement or change in use of an existing structure within any zone in the County, off-street parking spaces shall be provided for the new construction as indicated in this section unless greater requirements are otherwise established. Where square feet are specified the area measured shall be the new gross floor of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking for employees. Where employees are specified the term shall apply to all persons including the proprietors working on the premises during the peak shift.

USE

STANDARD

- A. Residential Uses
  - (1) Dwelling One space per dwelling unit
  - (2) Boarding house, lodging house, accommodations or rooming house One space per guest
  
- B. Institutions
  - (1) Convalescent hospital, nursing home, for patients or sanitarium, rest home, residents home for the aged One space per two beds
  - (2) Hospital Three spaces per two beds
  
- C. Places of Public Assembly
  - (1) Library, reading room feet plus one space per two employees One space per 400 square
  - (2) Preschool, nursery, kindergarten Two spaces per teacher
  - (3) Elementary or junior high school One space per classroom, plus one space per administrative employee
  - (4) Senior high school One space per classroom, plus one space per administrative employee, plus one space per six students
  - (5) Other public One space per four seats or assembly, eight feet of bench length including church
  
- D. Commercial Amusements
  - (1) Theater One Space per four seats
  - (2) Bowling alley Five spaces per alley plus

one space per two employees

- 3) Dance hall, skating rink  
One space per 100 square feet of floor area plus one space per two employees

E. Commercial

- (1) Retail store  
One space per 250 square feet of floor area
- (2) Service or repair shop, retail store handling exclusive bulky merchandise such as automobiles and furniture  
One space per 400 square feet of floor area
- (3) Bank or office (except medical or dental)  
One space per 400 square feet of floor area plus one space per two employees
- (4) Medical or dental offices  
One space per 200 square feet of floor area plus one space per two employees
- (5) Mortuary  
One space per four seats or eight feet of bench in chapels
- (6) Motel  
One space per guest room plus one space for the owner or manager
- (7) Hotel  
One space per two guest rooms plus one
- (8) Restaurant  
One space per four seats

F. Industries

- (1) Storage warehouse manufacturing  
One space per employee

establishment,  
rail or trucking  
freight terminal

- (2) Wholesale establishment One space per employee plus one space per 700 square feet of patron-serving area

2. **OFF-STREET LOADING REQUIREMENTS:** Building or structures to be built or substantially altered which receive and distribute materials, merchandise or people by motor vehicle shall provide and maintain off-street loading spaces in sufficient number and size to adequately handle the needs of the particular use.

A. The following standards shall be used in establishing the minimum number of spaces required:

Gross Floor Area of the Building in Square Feet	Number of Spaces
(1) Up to 10,000	One
(2) 10,000 and over	Two

For buildings and structures up to 6,000 square feet, regular off-street parking areas may be used to meet the off-street loading requirements.

B. A loading space shall be 10-feet wide and 35-feet long and have a vertical clearance of 14-feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these spaces shall be increased.

3. **GENERAL PROVISIONS:** The following provisions shall apply to off-street parking and loading facilities.

A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. The subsequent use of property shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts to establish the joint use.
- E. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than 200-feet from the building or use they are required to serve, measured in a straight line from the building.
- F. Required parking spaces shall be available for the parking of operable passenger automobiles for residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G. A plan drawn to scale, indicating how the off-street parking and loading requirements will be met, is to be filed with the Planning Director.
- H. Design requirements for parking lots and loading areas:
  - (1) Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.
  - (2) Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents.
  - (3) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
  - (4) Access aisles shall be of sufficient width for vehicles turning and maneuvering.
  - (5) Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

- (6) Service drives to off-street parking and loading areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- (7) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line adjoining said lines through a point 20-feet from their intersection.

## **20.12 PROCEDURE FOR CLASSIFYING NEW SCIENTIFIC & NATURAL AREAS, HISTORICAL SITES & CRITICAL WILDLIFE HABITAT AREAS**

1. Before new scientific and natural areas, historical sites and critical wildlife habitat areas are added to the Land Use Plan a public hearing shall be held according to Section 24.02 through 24.04 to determine the following:
  - A. Any new designation of Goal 5 resources or resource sites as listed in the statewide planning goal shall successfully complete the Goal 5 review process (OAR 660-16-000) before approval can be granted.

## **20.13 HISTORIC SITES & STRUCTURES**

The purpose of this section is to protect and regulate specific buildings and sites identified in the Land Use Plan as having special or significant historic associations or architectural merits, as a part of the heritage of the citizens of Union County (1C sites). It is not the intent or purpose of this section, however, to regulate the specific use of a historic building or site beyond that provided in the applicable zoning classification and other sections of this Ordinance.

1. Permits.

Prior to any alteration, expansion, destruction or removal of a historic site or structure identified as such in the Land Use Plan and on the Zoning Map the following procedures shall be followed:

  - A. An application made to the Planning Department identifying the proposed activity.
  - B. The application be placed on the Planning Commission agenda and public notice given at least 10-days in advance of a public hearing.

- C. A public hearing be held by the Planning Commission to review the proposed activity and determine the impact on the historical character of the site or structure.
- 2. Subsequent to Planning Commission review and impact analysis a 30-day period will be provided for public pursuit of alternative courses of action to assure preservation of the historic characteristics of the site or structure.
- 3. Prior to issuing a building permit for the alteration, expansion, destruction or removal of the historic site or structure written approval from the Planning Director shall be issued subsequent to the 30-day period allowed for the public pursuit of alternatives.

#### **20.14 NONFARM USE PARTITIONS**

Partition applications to create a parcel for a nonfarm use, except dwellings, shall be processed according to this ordinance's Article 25.00 Land Division Regulations and reviewed through a quasi-judicial land use process per Sections 24.09 through 24.12 and the following criteria:

- 1. The Planning Commission may allow the creation of new parcels for nonfarm uses as identified in ORS 215.283(2) and as authorized by ORS 215.263(3), except uses listed in subsection (2) below and where the applicant can meet the following:
  - a. The new parcel shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law;
  - b. The new parcel shall be an adequate size necessary for the public health protection;
  - c. The new parcel will be the minimum size necessary to accommodate the principal use and its accessory uses, structures and facilities.
- 2. The Planning Commission may not allow the creation of new parcels for dwellings as prescribed by ORS 215.263(3) and ORS 215.284(7), and home occupations identified in ORS 215.283(2)(i).