

**Article 47 –Health Hazard Overlay Zone (HH)
(Adopted May 6, 2002)**

47.10 Purpose

The purpose of the Health Hazard Overlay Zone is to ensure that sewer systems installed in areas declared as public health hazards, as a result of a sewage problem, are designed and constructed to the minimum size necessary to serve the health hazard area and are restricted to those uses specifically allowed under the current Oregon Administrative Rules regarding Goal 11.

47.20 Applicability

This article applies to all areas declared as public health hazards in accordance with OAR 660-011-0000 and which a sewer system is installed or extended in order to mitigate that health hazard. This article becomes effective for a given health hazard area upon approval of the sewer system.

47.30 System Design

Any sewer system required to mitigate a documented health hazard shall be designed and constructed so that its capacity does not exceed the minimum necessary to serve the area within the boundaries described under OAR 660-011-0060, except for urban reserve areas as provided under OAR 660-021-0040(6).

47.40 Permitted uses

All uses which were permitted at the time the sewer system was approved for the base zones located within the health hazard area continue to be permitted uses unless the proposed use conflicts with section 47.50 of this article. Additionally, pre-existing, non-conforming uses will not be affected by the establishment of a health hazard area.

47.50 Limitations on use

- a. Restrictions on sewer service: In accordance with OAR 660-011-0060(4)(b)(D), the sewer system which has been installed to abate the health hazard shall not serve any user/use that was not an existing use or an allowed use under the pre-sewer system zoning as reflected in the Background Document portion of the comprehensive plan.
- b. Rural use: In accordance with OAR 660-011-0060(4)(b)(E), the sewer system which has been installed to abate the health hazard shall not serve any use that is not rural in nature consistent with Goal 14 and OAR 660-004-0018 unless an exception has been taken under Goal 14 or the parcel/lot is within an Unincorporated Community or unless the use was in existence at the effective date of this ordinance.
- c. Residential use: In accordance with OAR 660-011-0060(4)(b)(F), the sewer system which has been installed to abate the health hazard shall not be used as an authority for allowing a higher density of residential development than would have been authorized without the presence of the sewer system.

47.60 Conditional uses

All Conditional Uses which were permitted under the base zones located within the health hazard area continue to be permitted conditional uses unless the proposed conditional use conflicts with Section 47.50 of this article.

47.70 Prohibited Uses

All uses which were prohibited under the base zones located within the health hazard area continue to be prohibited uses. This prohibition does not apply to pre-existing, non-conforming uses.

47.80 Site development standards

New structures and dwellings shall be subject to the applicable standards contained in the base zones of the health hazard area. Additionally, any sewer installation on lands zoned Exclusive Farm Use (EFU) within the health hazard area shall comply with OAR 660-011-0060(4)(b)(G) whereas a determination shall be made that the system installation satisfies ORS 215.296(1) or (2) to protect farm practices, except for systems located in the subsurface of public roads and highways along the public right of way.