

## **Article 50 – Buffer Requirements**

### **ARTICLE 50 - BUFFER REQUIREMENTS**

#### **Section 50.10 - Purpose and Intent**

To protect the public health, safety, and welfare of the County's rural population by separating farm and forestry uses from non-farm and non-forest use dwellings within and on the boundaries of Exclusive Farm Use (EFU), Forest (F-1) and Primary Forest (F-2) zones. More specifically, to help protect residences from orchard and forest spray drift, dust and noise as well as feedlot and dairy odor and unsightliness, and to help protect farm and forest operators from fire, trespass, vandalism and complaints concerning above conflicts.

#### **Section 50.15 Applicability**

- A. This Article shall apply to all proposed dwellings and subdivisions that are within or directly adjacent to Exclusive Farm Use (EFU), Forest (F-1), and Primary Forest (F-2) zones except dwellings located on and directly associated with farm uses, hardship dwellings in conjunction with a pre-existing nonconforming dwelling, and certain replacement dwellings as described in Section 3.15(A) or Section 4.10 (A).
  
- B. This Article does not apply to accessory buildings that are detached from the dwelling.

#### **Section 50.20 - Site Plan**

Prior to the issuance of a building permit or subdivision preliminary plat approval, a site plan shall be prepared by any landowner or developer intending to build an applicable dwelling (as described in Section 50.15.) This map shall include:

- A. A description and evaluation of all potential conflicts between intended development and adjacent farm or forest use(s) or zone along each lot line. Prevailing winds, existing vegetation, topography, and all other circumstances that may contribute to, or help prevent, conflict must be considered.
  
- B. Any setback fence, berm, elevation raise, or vegetation required potential in 50.45. Included shall be the nature and location of setbacks, existing and proposed vegetation and/or fence, and all other measures used to reduce potential conflict between the proposed development and the adjacent land use.
  
- C. The Site Plan shall be prepared at scale. The Planning Department recommends a scale of one inch to 100 feet. A written text may accompany the Site Plan.

## Article 50 – Buffer Requirements

### **Section 50.25 - Deed or Contract Statement**

- A. Before a building permit is granted for a new dwelling to which this article is applicable, in or adjacent to an exclusive farm use zone, the following notification statement shall be added to the deed of the property on which the new dwelling is to be constructed:

"Grantee and his/her heirs, legal representatives, assigns, and lessees hereby acknowledged by the placement of this covenant or the acceptance and recording of this instrument that the property herein described is situated in an agricultural zone or area in Hood River County, Oregon and as such may be subjected to common, and accepted farming, practices, such as orchards, for the operation of an orchard, which includes pesticide and herbicide spraying, weed cutting, irrigating gopher baiting orchard heating, bin storage, and any other accepted orchard practice. Said practices above enumerated ordinarily and necessarily produce noise, dust, spray residue smudge smoke, vapor, and other types of visual, odor, or noise pollution, which grantee accepts as a normal and necessary farming, practice and as part of the risk of purchasing a residential dwelling, in a farm area."

- B. Before a building permit is granted for new dwelling in or adjacent to a forest zone, the following notification statement shall be added to the deed of the property on which the new dwelling is to be constructed:

"Grantee and his/her heirs, legal representatives, assigns and lessees hereby acknowledged by the placement of this, covenant or the acceptance and recording of this instrument that the property herein described is situated in or adjacent to a forest zone in Hood River County, Oregon, and as such may be subjected to common and accepted timber practices for the operation of a commercial forest, which includes pesticide and herbicide spraying cutting, clear cutting, slash burning, and any other accepted timber practice. Said practices above enumerated ordinarily and necessarily produce noise, spray residue, vapor, and other types of visual, odor, or noise pollution, which grantee accepts as a normal and necessary timber practice and as part of the risk of purchasing a residential dwelling in a forest zone."

### **Section 50.30 - Administration**

The Site Plan shall be submitted to the Planning Director prior to building permit or tentative Subdivision Plat approval. The Planning Director's decision to approve or deny the Site Plan will be based upon the map's accuracy and the Buffer Requirements in 50.45. All buffer requirements shall be completed by the applicant within one-year after a building permit is issued or approval of the Final Subdivision Plat.

### **Section 50.35 - Variances**

- A. If existing vegetation, topography and/or other conditions effectively accomplish the

## **Article 50 – Buffer Requirements**

purpose and intent of the buffer requirements on a particular parcel, some or all of the requirements outlined in Section 50.45 may be Ministerially (Type I) waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20

- B. If a particular parcel's physical limitations makes it physically impossible to apply some or all of the applicable buffer requirement outlined in Section 50.45, some or all of the requirements shall be Ministerially (Type I) waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20. In no case shall the buffer requirements preclude a lot from being buildable.

### **Section 50.40 - Appeals**

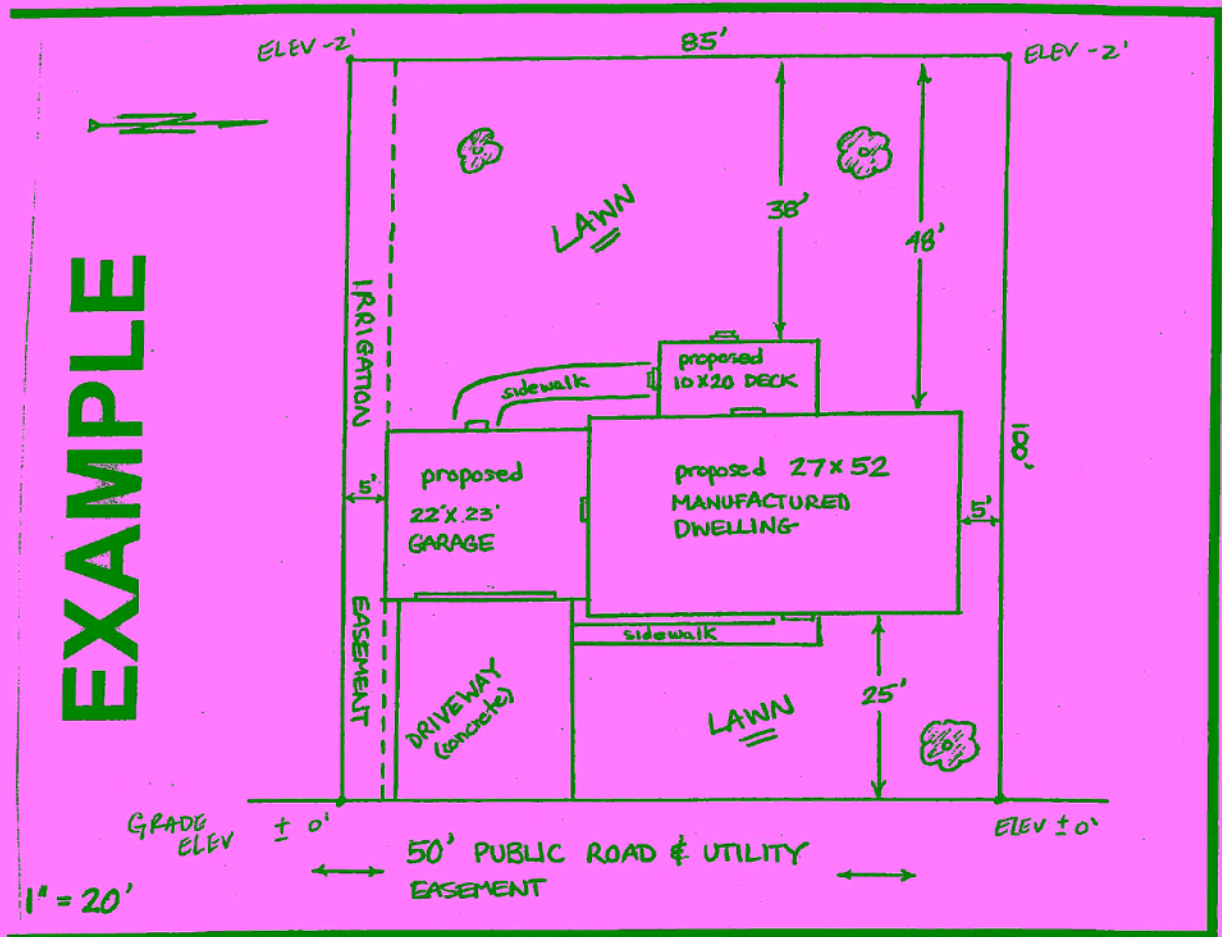
Decisions of the Planning Director are final unless appealed to the Planning Commission within 15 days of the decision. The Planning Commission shall hear the appeal using the procedures outlined in Article 60.

### **Section 50.45 - Buffer Requirements**

- A. If proposed dwelling or subdivision is to be adjacent to an orchard, feedlot, or dairy, the landowner or developer shall provide:
  - 1. An 80-foot perimeter setback between the dwelling(s) and all lot lines which abut said farm use; and
  - 2. In the case of subdivisions, additional setback, planting, berm, and/or fence may be required if the Planning Director, Planning Commission, Board of Commissioners finds that Section 50.35(A) and (B) are not sufficient to preclude the conflict of the site.
- B. If proposed dwelling or subdivision is to be located within or adjacent to an EFU zone and adjacent to land receiving farm tax deferral for any farm use except those described in Section 50.45(A), the landowner or developer shall provide: a 50 foot setback along all lot lines contiguous with such lands.
- C. If proposed dwelling is to be adjacent to a commercial forest use and within or adjacent to a forest zone, the landowner or developer shall provide an 80 foot setback along all lot lines contiguous with such land.
- D. All proposed dwellings located within or adjacent to a forest zone shall provide a maintained fire break.

# Article 50 – Buffer Requirements

## SITE PLAN



### INDICATE ON SKETCH:

1. North arrow
2. Indicate Scale (1"=200' or better)
3. Size and location of all existing and proposed buildings
4. Address of existing buildings
5. Domestic water supply within 100 ft.
6. Bodies of water within 200 ft. and geographic features
7. Property lines with exact dimensions and lot size
8. Distance between buildings and property lines
9. Adjacent roads (include names) and access roads
10. Sewage drainfield
11. Show parking, circulation and fire vehicle turnaround
12. Existing or proposed fencing and vegetative buffers
13. Property corner grade elevations, contour lines at 2' intervals when more than 4' elevation differential
14. Additions - show proposed additions in dotted lines
15. All easements (access, utility, irrigation, etc.)
16. Driveways
17. Porches/decks/carports/accessory buildings