

RECEIVED

JUL 19 2022 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)	
Umatilla County Development)	ORDINANCE NO. 2022-09
Code to Update and Revise)	
Multiple Sections)	

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS the Planning Department staff drafted a number of updates to the code, including updates in EFU permitted uses, EFU land use decision, EFU dwellings, EFU conditional uses, parcel standards, GF uses permitted, GF land use decisions, GF dwellings, GF conditional uses, procedures, land division processes, and parcel size deviations and incorporating legislative changes;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on May 26, 2022, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on July 19, 2022, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance with revisions.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendments to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined text is added):

§ 152.003 DEFINITIONS.

Alphabetical Definition Categories:

A | B | C | D | E | F | G | H | I | J | K | L | M

N | O | P | Q | R | S | T | U | V | W | X | Y | Z

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A

AUXILIARY STRUCTURE TO A

FOREST OPERATION. An auxiliary structure to a forest operation is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary structure is removed when a particular forest practice has concluded.

AUXILIARY USE TO A FOREST PRACTICE. Auxiliary to a forest practice means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary use is removed when a particular forest practice has concluded.

L

LANDSCAPE ARCHITECTURE SERVICES. Businesses providing landscape architecture services means a business that provides landscape architecture services under the full authority and responsible charge of a registered landscape architect who is also an owner or officer of the business, as provided in ORS 671.318.

LANDSCAPE CONTRACTING BUSINESS. A Landscape contracting business means a business that for compensation or with the intent to be compensated arranges, submits a bid, or otherwise offers or contracts, for activities performed by a "landscape construction professional" who supervises activities requiring the art, ability, experience, knowledge, science and skill to:
(a) Plan or install lawns, shrubs, vines, trees or nursery stock; (b) Prepare property on which lawns, shrubs, vines, trees or nursery stock is to be installed; (c) Install, maintain or repair ornamental water features and landscape drainage systems; (d) Maintain irrigation systems with the use of compressed air and as otherwise provided by

the State Landscape Contractors Board by rule; (e) Install or repair landscape irrigation systems as provided by the board by rule; or (f) Plan, install, maintain or repair fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls.

M

MINING IMPACT AREA. Mining impact area means an area extending 1,500 feet in any direction from the area of a proposed mining site or the farthest point from the proposed mining site where a significant conflict exists, whichever is greater, excluding from the area of the proposed mining site any undisturbed buffer areas or areas on a parcel where mining is not authorized.

N

NURSERY STOCK. Nursery stock includes all botanically classified plants or any part thereof, such as floral stock, herbaceous plants, bulbs, buds, corms, culms, roots, scions, grafts, cuttings, fruit pits, seeds of fruits, forest and ornamental trees and shrubs, berry plants, and all trees, shrubs and vines and plants collected in the wild that are grown or kept for propagation or sale. **Nursery stock does not include:** (a) Field and forage crops; (b) The seeds of grasses, cereal grains, vegetable crops and flowers; (c) The bulbs and tubers of vegetable crops; (d) Any vegetable or fruit used for food or feed; (e) Cut flowers, unless stems or other portions thereof are intended for propagation.

P

PRIMARY PROCESSING OF FOREST PRODUCTS. Primary processing of forest products means 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, clearing, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.~~

~~[Processing forest products defined in §152.617 (I) (Y) and (EE).]~~

§ 152.004 AMENDED, REPEALED OR MODIFIED STATUTORY PROVISIONS.

~~When the state legislature amends, repeals, or modifies an Oregon Revised Statutes chapter quoted within this chapter, the section of the Oregon Revised Statutes chapter cited in this chapter shall be automatically amended, repealed or modified. [Item Deleted]~~

EFU, EXCLUSIVE FARM USE ZONE

Sub-Sections

<u>152.055</u>	<u>Description and purpose</u>
<u>152.056</u>	<u>Uses permitted outright</u>
<u>152.057</u>	<u>Uses permitted with a farm use exempt permit</u>
<u>152.058</u>	<u>Uses permitted with a zoning permit</u>
<u>152.059</u>	<u>Land Use Decisions</u>
<u>152.060</u>	<u>Conditional uses permitted</u>
<u>152.061</u>	<u>Limitations on conditional uses</u>
<u>152.062</u>	<u>Parcel sizes</u>
<u>152.063</u>	<u>Development standards</u>

§ 152.055 DESCRIPTION AND PURPOSE.

The purposes of the EFU, Exclusive Farm Use Zone, are to preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural products, forest and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm and non-farm uses and related and supportive uses which are deemed appropriate. It is also the purpose of this use zone to provide the automatic farm use valuation for farms, which qualify under the provisions of ORS Chapter 308.

~~The provisions in this use zone are subject to automatic legislative amendments as described in §152.004.~~

§ 152.056 USES PERMITTED OUTRIGHT.

In an EFU zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to § 152.007:

(A) Farm use, as defined in ORS 215.203 and set out in § 152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), which are permitted subject to approval of a zoning permit per § 152.026.

Notwithstanding (A) above, the following are not permitted uses in the EFU Zone:

(1) A new dwelling used in conjunction with a marijuana crop;

(2) ~~A~~ Farm stands in conjunction with a marijuana crop; and

(3) A commercial activity carried on in conjunction with a marijuana crop.

(B) The propagation or harvesting of a forest product.

(C) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

(D) Transportation:

~~(D)~~ (1) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

~~(E)~~ (2) Projects specifically identified in the Transportation System Plan as not

requiring further land use regulation. (Projects not specifically identified in TSP shall follow procedures for the Comprehensive Plan Amendment process, and the applicable land use approval.)

~~(F)~~ **(3)** Landscaping as part of a transportation facility

~~(G)~~ **(4)** Emergency measures necessary for the safety and protection of property.

~~(H)~~ **(5)** Construction of a road as part of an approved land partition and consistent with the applicable land division regulations.

~~(N)~~ **(6)** Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

~~(L)~~ **(7)** Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

~~(N)~~ **(8)** Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

~~(E) Projects specifically identified in the Transportation System Plan as not requiring~~

~~further land use regulation. (Projects not specifically identified in TSP shall follow procedures for the Comprehensive Plan Amendment process, and the applicable land use approval.) [Moved to Transportation (D) (2).]~~

~~(F) Landscaping as part of a transportation facility [Moved to Transportation (D) (3).]~~

~~(G) Emergency measures necessary for the safety and protection of property. [Moved to Transportation (D) (4).]~~

~~(H) Construction of a road as part of an approved land partition and consistent with the applicable land division regulations. [Moved to Transportation (D) (5).]~~

(E) Utilities:

~~(H)~~ **(1)** Utility facility service lines. Utility facility service lines are 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:

~~(1)~~ **(a)** A public right of way; **or**

~~(2)~~ **(b)** Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

~~(3)~~ **(c)** The property to be served by the utility.

~~(H)~~ **(2)** Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.

~~(M)~~ **(3)** Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a

district as defined in ORS 540.505, but not parks or other recreational structures and facilities associated with a district. Operational facility buildings in association with an irrigation district may be permitted, where appropriate through the issuance of a zoning permit.

~~(I) Utility facility service lines. Utility facility service lines are 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:~~

~~(1) A public right of way;~~

~~(2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or~~

~~(3) The property to be served by the utility. [Move to Utilities (E) (1).]~~

~~(J) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies. [Moved to Utilities (E) (2).]~~

(K) ~~(F)~~ The transport of biosolids by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095. The transport and the land application are allowed outright.

~~(L) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes;~~

~~where no removal or displacement of buildings would occur, or no new land parcels result.~~

~~(M) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505. [Moved to Utilities (E) (3).]~~

~~(N) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways. [Move to Transportation (D) (8).]~~

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and the regulations in §§ 152.010 through 152.017 and §§ 152.545 to 152.562:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(C) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such

operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(D) A winery, as described in ORS 215.452, 215.453 and 215.237.

(E) Farm stands if:

(1) The structures are designed and used for the sale of farm crops **and** or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25% of the total **annual** sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops **and** or livestock, and does not include structures for banquets, public gatherings or public entertainment.

(3) "Farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. "Processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(4) "Local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which

the farm stand is located.

(5) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(F) Alteration, restoration or replacement of a ~~lawfully established dwelling that:~~ A lawfully established dwelling may be altered, restored or replaced under ORS 215.283 (1) (p) if the county determines that the **existing** dwelling to be altered, restored or replaced has the following:

(1) ~~Has i~~ **Intact** exterior walls and roof structures;

(2) ~~Has i~~ **Indoor** plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) ~~Has i~~ **Interior** wiring for interior lights;

(4) ~~Has a~~ **A** heating system; and

(5) ~~In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, 90 days if the dwelling being replaced is determined to be a nuisance. The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use; **The existing dwelling was assessed for purposes of ad valorem taxation:**~~

(a) For the previous five property tax years; or

(b) From the time when the dwelling was erected upon or affixed to

the land and became subject to assessment as described in ORS 307.10.

~~(6) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.~~

(6) A The replacement dwelling:

(a) ~~may~~ May be located sited on any part of the same lot or parcel; and

(b) Must so long as it complies, where practicable, with all applicable siting standards and with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards shall may not be applied in a manner that prohibits the siting of the replacement dwelling.

(7) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

(a) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

(b) If the dwelling to be replaced is, in the discretion of the county, in such as state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the county that is not less than 90 days after the replacement permit is issued.

(c) The property owner must execute and record in the deed records of

the county a statement (covenant) that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use.

~~(8) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.~~

~~(9) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~

~~(10) (8) Sign and record A a Covenant Not to Sue with regard to normal farming practices shall be recorded as is a requirement of the replacement dwelling for approval.~~

~~(11) A replacement dwelling permit issued under this section does not expire.~~

(9) (a) If the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use (split zoned property), the applicant shall execute and cause to be recorded in the deed records of the county in which the

property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

(b) The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under this subsection including a copy of the deed restrictions filed under this section.

(10) If an applicant is granted a deferred replacement permit under this section, the deferred replacement permit:

(a) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

(b) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

(G) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(H) Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools);

~~(I) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.~~

~~(J) (I)~~ A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(K) ~~(J)~~ Fire service facilities providing rural fire protection services.

(L) ~~(K)~~ A gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015 (10) or subject to review under OAR 660 Division 33.

~~(M) (L)~~ Creation of, restoration of or enhancement of wetlands.

~~(N) Climbing and passing lanes for public roads and highways, within the right of way existing as of July 1, 1987.~~

~~(O) (M)~~ Buildings and structures accessory to a farm use (i.e. barns, shops, etc.)

(P) (N) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

(Q) (O) Home occupations as provided in § 152.573;

(R) (P) **Expedited** Agri-Tourism event or other commercial event or activity; ~~Expedited~~. The County may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. An active conditional use permit for a single or multiple (6 events) agri-tourism or other commercial event or activity on the same tract precludes the issuance of an expedited single-event license. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of the County or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

(1) Must be related to and supportive of agriculture as well as incidental and subordinate to existing farm use on the tract;

(2) May not begin before 6 a.m. or end after 10 p.m.;

(3) May not involve more than 100 attendees or 50 vehicles;

(4) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

(5) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

(6) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

(7) Must comply with applicable health and fire and life safety requirements.

(S) (Q) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on , ~~2013~~ **2019**, **when:**

January 1, 2013, as described in ORS 215.283 (1) (x). **(1) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and**

(2) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year, as described in ORS 215.283 (1) (x).

(T) (R) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard within one year of the date of application, **may be altered, restored or replaced**, as provided in § ~~152.617 (II) (8)~~ **§152.058 (F)**.

(S) A cider business as provided in ORS 215.451.

(T) A farm brewery as provided in ORS 215.449.

§ 152.059 LAND USE DECISIONS.

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

(A) [Item Deleted]

(B) Churches, and a ~~cemetery~~ **cemeteries** in conjunction with a church provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland as provided in § 152.617 (II) (2) and/or (3). **consistent with ORS 215.441 and as provided in §152.617 (II) (2) and (3).**

(C) Utility facilities necessary for public service, including **associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems** but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and §152.617 (II) (7).

(D) ~~A facility for the primary processing of forest products as provided in § 152.617 (II) (4).~~ [Item deleted.]

(E) Continuation, maintenance, enhancement, or expansion of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2) and as provided in § 152.617 (II) (5).

(F) ~~A facility for the processing of farm crops, or the production of bio-fuel, located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility as provided in §152.617 (II) (1).~~

(G) The land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, and provided in §152.617 (II) (9).

(H) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard beyond one year of the date of application, as provided in §

152.617 (II) (8).

(K) DWELLINGS.

Quick Links to the dwelling types:

- (1) Primary Farm Dwelling on High Value Farmland
- (2) Primary Farm Dwelling on Non-High Value Farmland
- (3) Lot of Record Dwelling on High Value Farmland
- (4) Lot of Record Dwelling on Non-High Value Farmland
- (5) Accessory Farm Dwelling
- (6) Farm Relative Dwelling
- (7) Forest Use Dwelling
- (8) Non-Farm Dwelling
- (9) Conversion of an existing farm related dwelling to a non-farm dwelling
- (10) Impact Test
- (11) Covenant Not to Sue

The following permanent, single family dwellings may be authorized in an EFU zone. The dwellings may be conventional “stick built,” modular homes, manufactured homes or mobile homes meeting the definition of a dwelling and the standards in § 152.013(B) (5). All farm dwelling applications are subject to review and comment by the Department of Land Conservation and Development.

When a dwelling is approved through a land use decision in this section, the applicant or landowner must obtain a zoning permit pursuant to § 152.612 (D). The zoning permit will be a condition of the approval; all land use decision conditions of

approval must be met within two years of the date of the signed final findings, pursuant to § 152.613 (A).

A zoning permit issued for a dwelling approved under this land use decision section is authorized for four years from the date of the signed final findings and may be extended, but not for more than a total of six years from the date of the signed final findings. The date the final findings are signed signifies the final decision unless appealed as provided in § 152.769 (12).

(1) *Primary Farm Dwelling on High Value Farmland.*

A Primary Farm Dwellings customarily provided in conjunction with farm use may be allowed on high value farmland as defined in § 152.003 if the following standards (income test) are met:

(a) **Income test.** The subject tract is currently employed for farm use, **as defined in § 152.003 of this chapter, on which the farm operator earned** that produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, ~~in at least~~ **or** three of the last five years, ~~or based on the~~ **in an** average farm income earned on the tract in the best **of** three of the last five years; and

(b) ~~Except as permitted in ORS 215.283 (1) (p)~~ **for seasonal farmworker housing approved prior to 2001**, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-0057 owned by the farm or ranch operator or on the farm or ranch operation; **and**

(c) The dwelling will be occupied by a person or persons who produced the

commodities which grossed the farm income required by this division;

(d) In determining the gross income required by this ~~division~~; **section**:

(i) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(ii) Only gross income from land owned, not leased or rented, shall be counted; and

(iii) Gross farm income earned from a lot or parcel ~~which~~ **that** has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(e) ~~(e) When calculating the~~ **For the high-value farmland** income test, ~~for a primary farm dwelling on high value farmland~~, noncontiguous lots or parcels zoned for farm use in Umatilla County or contiguous counties may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both “Western” and “Eastern” Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

(f) Prior to the final approval for a dwelling authorized by this ~~division~~ **section** that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of Umatilla County

or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(i) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(ii) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

(g) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

(h) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

(i) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

(j) The County Planning Director shall maintain a copy of the covenants,

conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(k) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(l) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

(2) Primary Farm Dwelling on Non-High Value Farmland.

A Primary Farm Dwellings customarily provided in conjunction with farm use **as the primary farm dwelling** if: may be allowed on non-high value farmland as defined in § 152.003 if the following standards are met:

(a) *Size Test.* The parcel on which the dwelling will be located is at least 160 acres. A dwelling may be considered customarily provided in conjunction with farm use if:

(i) The subject tract is currently employed for farm use as defined in § 152.003 of this chapter;

(ii) The **primary farm** dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting,

marketing or caring for livestock, at a commercial scale;

(iii) **Except for seasonal farmworker housing approved prior to 2001, † there are is** no other dwellings on the subject tract.

(iv) The parcel on which the dwelling will be located is at least 160 acres.

(v) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(b) *Income Test.* A dwelling may be considered customarily provided in conjunction with farm use **as a primary farm dwelling**, if:

(i) The subject tract is currently employed for farm use **as defined in §152.003 of this chapter, on which the farm operator earned** that produced at least \$40,000 in gross **annual** income from the sale of farm products in each of the last two years ~~in at least~~ **or** three of the last five years, or ~~based on the~~ **in an** average farm income earned on the tract in ~~the best~~ **of three of the last five years; and**

(ii) ~~Except as permitted in ORS 215.283 (1) (p)~~ **for seasonal farmworker housing approved prior to 2001, † there is** no other dwelling on lands designated exclusive farm use or mixed farm/forest use owned by the farm or ranch operator or the farm or ranch operation; and

(iii) The **primary farm** dwelling will be occupied by a person or persons, who produced the commodities which

grossed the income;

(iv) In determining the gross income, **required by this section:**

1. ~~¶~~**1.** The cost of purchased livestock shall be deducted from the total gross income attributed to the **farm or ranch operation;** ~~livestock shall be deducted from the total gross income attributed to the farm or ranch operation;~~

(v) **2.** Only gross income from land owned, not leased or rented, shall be counted; and

(vi) **3.** Gross farm income earned from a lot or parcel; ~~which~~ **that** has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(vii) **(v)** For a non-high value farmland income test, noncontiguous lots or parcels zoned for farm use in Umatilla County or contiguous counties may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both “Western” and “Eastern” Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

(viii) **(vi)** Prior to the final approval for a dwelling authorized by this ~~division~~ **section** that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of Umatilla County

or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

1. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

2. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

(ix) **(vii)** The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

(x) **(viii)** Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

(xi) **(ix)** The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and

restrictions required by this division;

(xii) ~~(x)~~ The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(xiii) ~~(xi)~~ Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(c) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

(3) Primary Farm Dwelling - Commercial Dairy.

A Primary Farm Dwelling customarily provided in conjunction with a commercial dairy farm may be allowed if:

(a) The subject tract will be employed as a commercial dairy as defined in §152.003.

(b) The primary farm dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

(c) Except for seasonal farmworker housing approved prior

to 2001, there is no other dwelling on the subject tract;

(d) The primary farm dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

(e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

(f) The Oregon Department of Agriculture has approved the following:

(i) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

(ii) A Producer License for the sale of dairy products under ORS 621.072.

(g) Sign and record a Covenant Not to Sue as provided in §152.059 (K) (11).

(h) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

~~(3)~~ (4) Lot of Record Dwelling on High Value Farmland.

A Lot of Record Dwelling under this division may be allowed on high value farmland as defined in § 152.003, if the following standards are met:

(a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. **For the purpose of this section,** Θ **“owner”** includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, **niece,** stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(i) Since prior to January 1, 1985; or

(ii) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(b) The tract on which the dwelling will be sited does not include a dwelling;

(c) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

(d) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.

(e) When the dwelling will be sited in an area designated in the

acknowledged Comprehensive Plan as “critical winter range” the requirements of that zone also apply (see §§ 152.455 through 152.458);

(f) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(g) To site a Lot of Record Dwelling on high value farmland, the Planning Commission, or the designated Hearings Officer in the county, must determine that:

(i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity;

For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting.

Neither size alone nor a parcel's limited economic potential demonstrates that a lot of parcel cannot be practicably managed for farm use. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has

been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

(ii) The Lot of Record Dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use, **as provided in § 152.061 and provided here for convenience:**

1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in the impact test § 152.059 (K) (10).

(h) A dwelling under this section may be denied if the county determines that approval of the dwelling would:

(i) Exceed the facilities and service capabilities of the area;

(ii) Materially alter the stability of the overall land use pattern in the area; or

(iii) Create conditions or circumstances that the county

determines would be contrary to the purposes or intent of its acknowledged Comprehensive Plan or land use regulations.

(i) An approved Lot of Record Dwelling application may be transferred by a person(s) who has qualified under this division to any other person(s) after the final approval of the Lot of Record Dwelling decision;

(j) The county assessor will be notified when a Lot of Record Dwelling is approved;

(k) The soil class, soil rating or other soil designation set forth by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture of a specific lot or parcel may be challenged if the property owner goes through the process as outlined in OAR 660-033-0045.

(l) The County shall provide notice of all applications for Lot of Record Dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with the County's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the Planning Commission.

(m) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

~~(4)~~ **(5)** *Lot of Record Dwelling on Non-High Value Farmland.*

A Lot of Record Dwelling under this division may be allowed on non-high value farmland as defined under § 152.003 if the following standards are met:

(a) The lot or parcel in which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. **For the purpose of this section,** Θ **“owner”** includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, **niece,** stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(i) Prior to January 1, 1985; or

(ii) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(b) The tract on which the dwelling will be sited does not include a dwelling;

(c) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

(d) The proposed dwelling is not prohibited by and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(e) When the lot or parcel on which the dwelling will be sited lies in an area designated in the acknowledged Comprehensive Plan as “critical winter range” the requirements of that zone also apply (see §§ 152.455 through 152.458);

(f) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(g) A dwelling under this section may be denied if the county determines that the dwelling would:

(i) Exceed the facilities and service capabilities of the area;

(ii) Materially alter the stability of the overall land use pattern in the area.

(iii) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(h) The county assessor shall be notified that the Lot of Record dwelling is intended to be approved.

(i) An approved application for a Lot of Record Dwelling may be transferred one time by a person(s) who has qualified under this division to any other person(s) after the effective date of or final approval of the lot of record dwelling decision;

~~(j) For the purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:~~

~~(i) Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of~~

~~Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or~~

~~(ii) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture stating that the soil class, soil rating or other soil designation should be changed; and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.~~

(k) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

~~(5)~~ **(6)** *Accessory Farm Dwelling.*

~~(a)~~ **(a)** The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; ~~and.~~

~~(e)~~ There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling; and ~~(a)~~ **(a)** ~~T~~ the accessory farm dwelling will be located:

(i) On the same lot or parcel as the primary farm dwelling; or

(ii) On the same tract as the primary

farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(iii) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the Records Office and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or

(iv) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A Umatilla eCounty shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker **accessory** housing is no longer required **and the property owner shall sign and record a covenant requiring the removal, demolition, or conversion of the farm worker assessor housing to a nonresidential use when farm worker housing is no longer required;** or

(v) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is

located on a lot or parcel at least the size of the applicable minimum lot **or parcel size under ORS 215.780 of 160-acres in Umatilla County** and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) **or (4), whichever is applicable**; and

(b) In addition to the requirements above in (a) of this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(i) On land not identified as high value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in § 152.003, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, in at least three out of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(ii) On land identified as high value farmland as defined in § 152.003, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in § 152.003, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(iii) It is located on a commercial

dairy farm as defined by OAR 660-033-0135 (8); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.230; and a Producer License for the sale of dairy products under ORS 621.072.

3. A Producer License for the sale of dairy products under ORS 621.072.

~~(e) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling; and~~

~~(d) (c) An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non-farm dwelling.~~

~~(d) (d) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).~~

(e) Accessory farm dwelling includes all types of residential structures by the applicable state building code.

(f) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.

(g) Accessory farm dwellings destroyed by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 may be replaced. The temporary use of modular structures, manufactured housing, fabric structures, tents and similar accommodations is allowed until replacement under this subsection occurs.

(h) The county shall not approve any proposed land division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. Unless, it is determined that the accessory farm dwelling satisfies the requirements of OAR 660-033-0135, then a parcel created must be consistent with the Umatilla County EFU minimum parcel size of 160-acres.

(i) Accessory dwelling approvals will be under an annual review to ensure compliance with the standards and conditions of approval. Annual review fees may be assessed.

(j) In this section "Farmworker housing" has the meaning set forth in ORS 215.278 and not the meaning in ORS 315.163.

~~(6) (7) Farm -~~ Relative farm help dwelling.

(a) A dwelling on real property used for farm use, if the dwelling is located on the same lot or parcel as the dwelling of the farm operator; and occupied by a relative, which means grandparent, grandchild, parent, child, sibling, stepparent, step grandparent, stepsibling, niece, nephew or first cousin of either the farm operator or the farm operator's spouse, whose assistance

in the management of the farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is 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. A relative farm help dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. A "relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse and is subject to the following criteria:

(b) The farm operator shall continue to play the predominant role in the farm management and farm use of the farm. A farm operator is 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:

(i) Provide information on the farm operation, (i.e., size, crops planted, numbers of livestock, etc.) and provide a summary of the farm duties and assistance the relative will provide;

(ii) The relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use. Provide the location of the farm operator's dwelling and the location of the proposed relative farm help dwelling.

(b) (c) Sign and record a Covenant Not to Sue as provided in §152.059 (K) (11).

(d) Farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling.

(e) For the purpose of subsection (a), "relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse.

(f) Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel requirements under 215.780, if the owner of a dwelling described in this section obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the "homesite," as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect.

(g) For the purpose of subsection (f), "foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(9)(a).

~~(7) Forest Use Dwelling.~~

~~A dwelling on a parcel or tract determined to have a predominate forest use as of January 1, 1993 and subject to criteria in the Grazing/Farm zone, § 152.084(K).~~

(8) *Non-farm dwelling.*

A non-farm dwelling permitted in ORS

215.284 and subject to the following criteria:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(b) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

(i) A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(ii) A lot or parcel or portion of a lot or parcel is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not generally unsuitable. A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominately of Class I - VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not

mean it is not suitable for another farm use; or

(iii) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not generally unsuitable simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not generally unsuitable. If a lot or parcel is under forest assessment, it is presumed suitable if, in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(c) The dwelling will not materially alter the stability of the overall land use pattern of the area;

(i) In determining whether a proposed non-farm dwelling will alter the stability of the overall land use pattern of the area, a county shall consider the cumulative impact of non-

farm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in § 152.059 (K) (10) (OAR 660-033-0130 (4)(a)(D)). If the application involves the creation of a new parcel for the non-farm dwelling, a county shall consider whether creation of the parcel will lead to creation of other non-farm parcels, to the detriment of agriculture in the area by applying the standards (impact test) set forth in § 152.059 (K) (10); **and**

(ii) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(d) New access easements, ~~private roads~~ or public right-of-ways, must meet at a minimum, the Option 1 design standard as depicted in the County Transportation Plan Figure 7-2A and defined in § 152.648 (D) (30 foot right-of-way with width and 16 foot wide travel lane). Whenever possible, new roads should not be placed upon agricultural land as defined by prior policies;

(e) The parcel upon which a ~~non-resource~~ non-farm dwelling is located and being valued at true cash value for farm use under ORS 308.370 shall meet the requirements in ORS 215.236, including but not limited to:

(i) The site shall be disqualified for farm deferral; and

(ii) The tax penalty shall be paid prior to final approval;

(f) If the non-farm dwelling site is being created by a land division, the parcel shall comply with the access, improvement requirements, and follow the procedures for land divisions set forth in § 152.710 (D), and shall comply with the applicable

dimensional standards of § 152.063;

(g) If the request involves the creation of a new parcel containing historic property as defined in ORS 358.480, the original parcel may be reduced ~~below the minimum lot size standard, including an 11% standard deviation~~ **as provided by § 152.711**;

(h) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(i) The dwelling will be sited on a lot or parcel created before January 1, 1993. (This date ~~only~~ applies to the placement of a non-farm dwelling on an existing, lawfully created lot or parcel, **not to a non-farm dwelling site created by a land division.**)

(j) If a single-family dwelling is established on a lot or parcel as set forth in OAR 660-033-0130 (3) or OAR 660-006-0027 (§ 152.059 (K) (3) or (4) (4) or (5), Lot of Record Dwelling,) no additional **non-farm** dwellings may later be sited **on the lot or parcel** under the provisions of this subsection.

(9) *Conversion of an existing farm related dwelling to a non-farm dwelling.*

An existing farm related dwelling converted to a farmer retirement dwelling or a non-farm dwelling shall be subject to the following criteria:

(a) Meets the non-farm dwelling criteria in this section except § 152.059 (K) (8) (b).

(b) The provisions of § 152.710 (D) are applicable if a non-farm parcel will be created for the non-farm dwelling.

(10) *Impact Test.*

In determining whether a proposed non-farm dwelling will alter the stability of the **overall** land use pattern in the area, a county shall consider the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated.

(a) The county shall identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural area. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area.

(b) Within the study area identify the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/ lot-of-record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under ORS 215.263(4) , **ORS 215.263(5), and**

ORS 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision.

(c) Determine whether approval of the proposed non-farm/lot of record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the sturdy area;

(11) *Covenant Not to Sue.*

All dwellings approved within the EFU **and GF zones** require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them 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.

§ 152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable

criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed in OAR 660, Division 033.

(A) Commercial activities in conjunction with farm uses, including the processing of farm crops into biofuel not permitted under **ORS 215.203 (2)(b)(L) or ORS 215.283 (1) (u) and 215.283(1)(r) as** provided in § 152.617 (1) (B); **but excluding activities in conjunction with a marijuana crop.**

(B) *Mining Operations* as provided in § 152.617 (I) (K) conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under § 152.058 (E).

(2) Mining, crushing or **and** stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement as provided in § 152.617 (I) (A). New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

(4) Processing of other mineral resources and other subsurface

resources.

(C) Parks:

~~(C)~~ **(1)** Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland as provided in § 152.617 (I) (O).

~~(D)~~ **(2)** Public parks. A public park may be established consistent with the provisions of ORS 195.120, and includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable as provided in § 152.617 (I) (Q).

~~(E)~~ **(D)** *Golf courses* and their permitted accessory uses on **land** ~~a parcel or tract~~ **determined** not **to be** meeting the definition of high value farmland as defined in ORS 195.300, ~~meeting limitations pertaining to accessory uses in OAR 660-33-130(20), and subject to expansion limitations in OAR 660-33-130(18).~~ Non-regulation golf courses are not permitted in an EFU Zone as provided in §152.617 (I) (G).

~~(F)~~ **(E)** Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I) (C). (For specific criteria for Wind Power Generation see § 152.617 (I) (W))

~~(G)~~ **(F)** *Personal use airports (air strips for airplanes and helicopter pads) for airplanes and helicopters* including associated hangar, maintenance and service facilities as provided in § 152.617 (I) (N).

~~(H)~~ **(G)** Home occupations operated by a resident or employee of a resident of the property on which the business is located as an accessory use within the dwelling or

other buildings customarily provided in conjunction with farm use as provided in § 152.617 (I) (H).

~~(I)~~ **(H)** Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community as provided in § 152.617 (I) (D).

~~(J)~~ **(I) Temporary Hardship Residence.** One manufactured dwelling, or **one** recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling **may be permitted** ~~allowed~~ in the EFU zone, as a temporary use for the term of the hardship suffered by the existing resident or relative of the resident as provided in § 152.617 (I) (V).

~~(K)~~ **(J)** Commercial dog boarding kennels or day training classes or testing trials that cannot be established under ORS 215.283 (1) (x) may be conditionally permitted as provided in § 152.617 (I)(I). (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)

~~(L)~~ **(K) Solid waste** ~~A site for the disposal site of solid waste approved by the governing body of the County for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value farmland and may be maintained, enhanced or expanded on the same tract subject to §152.061 and as provided in §~~ 152.617 (I) (S).

~~(M)~~ **(L)** The propagation, cultivation,

maintenance and harvesting of aquatic species as provided in § 152.617 (I) (P).

(M) Transportation:

~~(N)~~ **(1)** Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right of way but not resulting in the creation of new land parcels.

~~(O)~~ **(2)** Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

~~(P)~~ **(3)** Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. ~~Improvements may be limited when located on land composed of high-value soils.~~

(4) Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply. .

~~(CC)~~ **(5)** If review under this Section indicates that the use or activity is **Transportation projects that are found to be** inconsistent with the Transportation System Plan, ~~the procedure for~~ **may require** a comprehensive plan amendment shall be

~~undertaken prior to or in conjunction with the a~~ conditional permit ~~review application.~~

~~(Q)~~ **(N) Destination Resort.** A destination resort **reviewed and approved pursuant to ORS 197.435 to 197.467 and Goal 8 and** which is ~~approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high-value farmland~~ **and** as provided in § 152.617 (I) (F).

~~(R)~~ **(O)** Living History Museum. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society as depicted in OAR 660-033-0130 (21) and as provided in § 152.617 (I) (J).

~~(S)~~ **(P)** Operations for the extraction and bottling of water as provided in § 152.617 (I) (M).

~~(T)~~ **(Q)** On site filming and activities accessory to on site filming for more than 45 days provided for in ORS 215.306 as provided in § 152.617 (I) (L).

~~(U)~~ Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS

or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

~~(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.~~

~~(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.~~

~~(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.~~

~~(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.~~

~~(V) (R) Residential homes as defined in ORS 197.660, in existing dwellings and subject to administrative review procedures in § 152.769 and subject to § 152.059 (K) (11) and in § 152.617 (I) (R).~~

~~(W) (S) Transmission towers or and communication towers over 200 feet in height as provided in § 152.617 (I) (T).~~

~~(X) (T) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.~~

~~(Y) (U) Room and board arrangements for a maximum of five unrelated persons in an existing residence and subject to § 152.059 (K) (IX) (11).~~

~~(Z) (V) A w—Wildlife habitat conservation and management plan pursuant to ORS 215.800 to 215.808.~~

~~**(W) Landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use, as provided in §152.617 (I) (AA).**~~

~~(AA) An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possess a wholesaler's permit to sell or provide fireworks.~~

~~(BB) (X) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060, and which are not facilities that are a "farm use" as defined OAR 660-033-0020(7), and as provided in §152.617 (I) (E).~~

~~(CC) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.~~

~~**(Y) Temporary facility for the primary processing of forest products, as provided in §152.617 (I) (EE).**~~

~~(DD) (Z) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located as~~

provided in § 152.617 (I) (U). ~~Provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.~~ New **school** facilities are not allowed on high value farmland.

~~(EE)~~ **(AA)** Agri-tourism or other commercial event or activity as provided by §152.617 (I) (X).

~~(FF)~~ **(BB)** Photovoltaic solar power generation facility as provided in OAR 660-033-0130 (38).

(CC) Log truck parking, as provided in ORS 215.311 and §152.061.

~~(GG)~~ **(DD)** Youth camp. . .

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

§ 152.062 PARCEL SIZES.

In all EFU zones, (EFU, EFU-10, EFU-20 and EFU-40) the following standards shall apply for the creation of new parcels:

(A) *Farm parcels.* Parcels of 160 acres or larger may be established through § 152.710 (B), Type IV, Review I Land Division application process. An 11%

deviation allowance ~~standard~~ is **may be** provided ~~outright~~ to compensate for irregularities due to the government land survey system, roads and other rights-of-way, **as provided by § 152.711.**

(B) *Farm parcels.* Parcels of 80 to 160 acres may be established through § 152.710 (C), Type IV, Review II Land Division application process.

(C) *Creation of a non-farm dwelling parcel.* A parcel may be established for a new non-farm dwelling or for an existing farm related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in § 152.059 (K) (8) and/or (9) and follows the procedures and complies with the standards in § 152.710 (D), Type IV, Review III Land Division application process.

(D) *Creation of other non-farm and conditional use parcels.* The minimum lot area for other “non-farm” uses permitted as conditional uses in an EFU zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application process.

(E) *Go-Below Areas.* Parcels within an approved “go-below” area designated by the Comprehensive Plan may be established to a size below the 160-acre minimum parcel size. Parcels within an approved “go-below” area may be established through § 152.710 (C), Type IV, Review II Land Division application process.

(F) *UGB Areas.* Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type IV, Review V Land Division application

process.

§ 152.063 DEVELOPMENT STANDARDS.

In the EFU zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage.* A parcel shall have a minimum street or road frontage of 30 feet.

(B) *Front yard setbacks.* All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks.* Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non-farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non-farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare and to mitigate possible adverse

impacts to adjacent land uses.

(D) *Distance maintained from aggregate mining operations.* A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(E) *Stream setback.* To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet

measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood-prone area; and

(c) Location of the proposed building in compliance with the 100-foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

(F) *Other development standards.* All development shall be subject to the regulations contained in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.

GF, GRAZING/FARM ZONE

Sub-Sections

<u>152.080</u>	<u>Description and purpose</u>
<u>152.081</u>	<u>Uses permitted outright</u>
<u>152.082</u>	<u>Uses permitted with a farm exempt permit</u>
<u>152.083</u>	<u>Uses permitted with a zoning permit</u>
<u>152.084</u>	<u>Land Use Decisions</u>
<u>152.085</u>	<u>Conditional uses permitted</u>
<u>152.086</u>	<u>Limitations on conditional uses</u>
<u>152.087</u>	<u>Parcel sizes</u>
<u>152.088</u>	<u>Development standards</u>
<u>152.089</u>	<u>General siting and fire siting standards</u>

§ 152.080 DESCRIPTION AND PURPOSE.

The purpose of the GF, Grazing/Farm, Zone is designed to protect grazing lands, forest lands and uses, and ~~inclusions of~~ agricultural lands that are found within the county's mixed use farm/forest areas. The GF, Grazing/Farm, Zone also is intended to allow other uses compatible with agricultural and forest activities, protect scenic resources, watersheds, and fish and wildlife habitat.

The GF, Grazing/Farm, Zone has been applied to lands designated as agricultural, grazing and forest use, and reflect the policy provisions of the County Comprehensive Plan and requirements of ORS Chapter 215 and OAR 660 divisions 33 and 6.

The GF, Grazing/Farm, Zone is a mixed farm-forest zone. The predominant use of the land is for grazing of livestock; however, there are some areas ~~that are~~ under

agricultural cultivation and other areas where timber grows and forest uses occur. The GF zone is also designed to conserve and protect watersheds, wildlife habitat and scenic values and views within the Blue Mountains. Certain land uses may be allowed conditionally. It is also the purpose of this zone to provide the automatic farm use valuation for farms and ranches which qualify under the provisions of ORS Chapter 308. Please see definition of farm use in § 152.003.

§ 152.081 USES PERMITTED OUTRIGHT.

In a GF Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §§ 152.007:

(A) Farm use, as defined in ORS 215.203 and § 152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses, and structures, as defined in ORS 455.315, (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), customarily provided in conjunction with farm use or forest use, which are permitted subject to approval of a zoning permit per § 152.026. Agricultural buildings in the GF Zone may not be converted to another use.

Notwithstanding (A) above, the following are not permitted uses in the EFU and GF Zone:

- (1) ~~A new d~~Dwellings used in conjunction with a marijuana crop;
- (2) ~~A f~~Farm stands in conjunction with a marijuana crop;

~~(3) A—e~~ **Commercial activities** carried on in conjunction with a marijuana crop.

(B) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash; **and**

(1) Auxiliary uses associated with a forest practice including land alterations for exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities; and

(2) For the purposes of this section "auxiliary" means a use or alteration of a structure or land that 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 growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(3) Uses that are not auxiliary to forest practices are regulated by this chapter.

~~(C) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.~~

(C) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

~~(D) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.~~

(D) Transportation:

~~(N)~~ **(1)** Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

~~(E)~~ **(2)** Projects specifically identified in the Transportation System Plan as not requiring further land use regulation (Projects not specifically identified in TSP shall follow procedures for the Comprehensive Plan amendment process, and the applicable land use approval.)

~~(F)~~ **(3)** Landscaping as part of a transportation facility.

~~(G)~~ **(4)** Emergency measures **related to transportation facilities** necessary for the **public** safety and protection of property.

~~(H)~~ **(5)** Construction of a road as part of an approved land partition and consistent with the applicable land division regulations.

~~(H)~~ **(6)** Climbing and passing lanes within the right of way existing as of July 1, 1987. [Moved from (H) Zoning Permit.]

~~(I)~~ **(7)** Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

~~(V)~~ **(8)** Minor betterment of existing

public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

~~(D)~~ **(9)** Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

~~(R) Widening of roads within existing rights of way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1) and 215.283(1);~~

(E) Utilities.

~~(J)~~ **(1)** Local distribution **service** lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups; **that end at the point where the utility service is received by the customer.**

~~(K)~~ **(2)** Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.

~~(S)~~ **(3)** Water intake facilities, canals and distribution lines for farm irrigation and ponds;

~~(U)~~ **(4)** Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a

district as defined in ORS 540.505.

~~(L)~~ **(F)** The transport of biosolids by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095. The transport and the land application are allowed outright.

~~(Q)~~ **(G)** Private hunting and fishing operations without any lodging accommodations.

~~(O) Temporary portable facility for the primary processing of forest products. [Moved to ZP.]~~

~~(P) Exploration for mineral and aggregate resources as defined in ORS chapter 517. [Move to ZP.]~~

~~(W) Temporary Portable Facility for the Primary Processing of Forest Products, as defined in §152.003. [Listed twice - move to ZP.]~~

(H) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

§ 152.083 USES PERMITTED WITH A ZONING PERMIT.

In a GF Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the

Comprehensive Plan.

~~(B)~~ **(B)** Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306. [Moved to outright use.]

~~(C)~~ **(B)** A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

~~(D)~~ **(C)** Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

~~(E)~~ **(D)** Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to

~~such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).~~

~~(M)~~ **(E)** A winery, as described in ORS 215.452, 215.453 and 215.237.

~~(F)~~ Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation. [Listed as CUP.]

~~(N)~~ **(F)** Farm stands if:

(1) The structures are designed and used for the sale of farm crops and livestock grown on **the farm operation, or grown on the farm operation and other farms operations** in the local agricultural area, including the sale of retail incidental items, **and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand** if the sales of the incidental items make up no more than 25% of the total **annual** sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock, and does not include structures for banquets, public gatherings or public entertainment.

(3) "Farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. "Processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

(4) "Local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.

(5) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(⊖) **(G) Alteration, restoration or replacement of a lawfully established single-family dwelling that on predominately forest lands (alteration, restoration or replacement dwellings on predominately farm lands is allowed per UCDC Section 152.058 (F)):**

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within **three months of the completion of the replacement dwelling. The property owner must execute and record in the deed records of the county a statement (covenant) that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use.**

~~1~~ year from the date of certification of

~~occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance. The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;~~

(6) A lawfully established dwelling that is destroyed by wildfire may be replaced within 60 months when the county finds, based on substantial evidence, that the dwelling to be replaced contained those items listed at (1) through (4). For purposes of this subsection, substantial evidence includes, but is not limited to, county assessor data. The property owner of record at the time of the wildfire may reside on the subject property in an existing building, tent, travel trailer, yurt, recreational vehicle, or similar accommodation until replacement has been completed or the time for replacement has expired.

~~The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.~~

~~(7) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.~~

~~(8) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned GF, then the applicant shall, as a condition of approval, execute and record in the deed records for the county~~

where the property is located a deed restriction prohibiting the siting of a dwelling on the GF portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

(9) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(10) (7) A Covenant Not to Sue, with regard to normal farming practices shall be recorded as a requirement for approval. **All dwellings approved within the EFU and GF zones require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them 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.**

(11) A replacement dwelling permit issued under this section does not expire.

(Q) (H) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(R) (I) Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools).

(P) (J) Fire stations **service facilities providing** for rural fire protection **services**.

(G) (K) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division.

(H) Climbing and passing lanes for public roads and highways, within the right of way existing as of July 1, 1987.

(L) Creation of; restoration of or enhancement of wetlands.

(S) (M) Buildings and structures accessory to a farm use **or forest use** (i.e. barns, shops, etc.) **A person may not convert an agricultural building authorized by this section to another use.**

(T) (N) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

(U) (O) Home Occupations as provided in § 152.573.

(F) (P) Towers and fire stations for forest fire protection.

(V) (Q) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013 2019, as described in ORS 215.283 (1) (x). **when:**

(1) The number of dogs participating in training does not exceed 10 per training class and the

number of training classes to be held on-site does not exceed six per day; and

(2) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year, as described in ORS 215.283 (1) (x).

~~(W)~~ (R) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard within one year of the date of application, may be altered, restored or replaced, as provided in ~~152.617 (H) (8)~~ §152.083 (F).

(S) A cider business as provided in ORS 215.451.

~~(J)~~ (T) Uninhabitable structures accessory to fish and wildlife enhancement.

~~(K)~~ (U) Temporary forest labor camps.

~~(H)~~ (V) Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.

(W) Temporary portable facility for the primary processing of forest products.

(X) Caretaker residences for public parks and public fish hatcheries.

(Y) Temporary storage site for nonhazardous debris resulting from recovery efforts associated with damage caused by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 subject to Department of Environmental Quality requirements and

all other applicable provisions of law.

§ 152.084 LAND USE DECISIONS.

In a GF Zone, the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in § 152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

~~(A) Caretaker residences for public parks and public fish hatcheries; [Item deleted.]~~

~~(B) Churches, and a cemetery cemeteries in conjunction with a church consistent with ORS 215.441 and as provided in §152.617 (II) (2) or (3). provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland as provided in § 152.617 (II) (2) and/or (3).~~

~~(C) Utility facilities necessary for public service on land predominately in farm use, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and in § 152.617 (II) (7).~~

~~(D) A permanent temporary facility for the primary processing of forest products as~~

~~provided in § 152.617 (II) (4).~~ [Item Deleted.] [Moved to CUP]

(E) Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2) and as provided in § 152.617 (II) (5).

(F) A facility for the processing of farm crops, or the production of bio-fuel, located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility as provided in § 152.617 (II) (1).

(G) The land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251.

(H) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard beyond one year of the date of application, as provided in §

152.617 (II) (8).

(I) Item left open.

(J) Item left open.

(K) DWELLINGS.

The following permanent dwellings may be authorized in a GF zone. The dwellings may be conventional “stick built,” modular home, manufactured homes or mobile homes meeting the definition of a dwelling and the standards in § 152.013(B)(5). All farm/forest dwellings ~~applications are subject to review and comment by the Department of Land Conservation and Development. must meet fire siting standards listed in OAR 660-006-0029 and 660-006-0035.~~

Permits for dwellings approved under this section are valid for four years pursuant to ORS 215.417. A permit extension for an additional two years may be obtained.

(I) Dwellings, including non-farm dwellings, on a parcel or tract determined to have a predominate agricultural use as of January 1, 1993 and listed in § 152.059 (K) and meeting the criteria and procedures specific to each listed dwelling type.

(II) Dwellings on a parcel or tract determined to have a predominate forest use as of January 1, 1993 and subject to administrative review procedures in § 152.769 and the siting standards found in § 152.089 for the following:

(1) *Large Tract Forest Dwelling.* A Large Tract Forest Dwelling may be allowed if the following criteria are met:

(a) The dwelling is sited on a tract of at least 240 contiguous acres; or

waterway.

(b) The dwelling is sited on a tract of 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(i) For the purposes of this division, approval of the dwelling is subject to providing evidence that a non-revocable or irrevocable deed restriction has been recorded with either the county records office or counties where the property subject to the covenant's conditions and restrictions is located. The deed restriction shall preclude all future rights to construct a dwelling on the tract(s) or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forest lands. The language of the deed restriction, the procedures for recording and procedures under which counties shall be keep records of the subject lots or parcels shall meet the requirements in ORS 215.740(3)(c). Enforcement of the deed restriction may be undertaken by DLCDD or by the county or counties where the property is subject to the restriction is located. The failure to follow the requirements of this division shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the deed restrictions.

(ii) A tract shall not be considered to be less than the required acreage because it is crossed by a public road or

(2) *Template Dwelling.* A Template Dwelling may be allowed if **the tract does not include a dwelling and if** the following criteria are met:

(a) The dwelling is sited on a lot or parcel that is predominately composed of soils that are:

(i) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

a. All or part of at least three other lots or parcels that existed on January 1, 1993 are within a 160 acre square centered on the center of the subject tract, and

b. At least three dwellings existed on January 1, 1993 on the other lots or parcels and continue to exist on the other lots or parcels;

(ii) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

a. All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160 acre square centered on the center of the subject tract, and

b. At least three dwellings existed on January 1, 1993 on the other lots or parcels and continue to exist on the other lots or parcels.

(iii) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre centered on the center of the subject tract; and

b. At least three dwellings existed on January 1, 1993 on the other lots or parcels and continue to exist on the other lots or parcels.

(iv) If a tract 60 acres or larger abuts a road or perennial stream, the review or analysis shall be made by using a 160-acre rectangle or template that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. ~~However,~~ **and** one of the three required dwellings shall be on the same side of the road or stream as the tract; and

a. Be located within a 160-acre rectangle or template that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream;

b. Be within ¼-mile from the edge of the subject tract but not outside the length of the 160-acre rectangle or template, and on the same side of the road or stream as the tract.

(v) If the tract under this division abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road.

(vi) A tract shall not be considered to be less than the required acreage because it is crossed by a public road or waterway.

(b) The center of the subject tract means the mathematical centroid of the tract.

(3) *Lot of Record Dwelling.* A Lot of Record Dwelling may be allowed if the following criteria are met:

(a) The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species (trees recognized under rules adopted under ORS 527.715) and is located within 1,500 feet of a Public Road as defined in ORS 368.001. The road be maintained and either paved or surfaced with rock and shall not be:

(i) A United States Bureau of Land Management road; or

(ii) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(b) The lot or parcel in which the dwelling will be sited was lawfully created and was acquired by the present owner:

(i) Prior to January 1, 1985; or

(ii) By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985;

(c) The tract on which the dwelling will be sited does not include a dwelling;

(d) When the lot or parcel on which the dwelling will be sited lies in an area designated in the acknowledged Comprehensive Plan as “critical winter range,” the requirements of that zone also apply (See §§ 152.455 through 152.458).

(e) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(f) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract. A dwelling under this section may be denied if the county determines that the dwelling would:

(g) An approved application for a single family dwelling may be transferred one time by a person(s) who has qualified under this division to any other person(s) after the effective date or final approval of the lot of record dwelling decision.

(h) For purposes of this section, “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law,

daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(i) If a lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

(j) The dwelling meets the fire siting, design and other structure siting requirements in § 152.089.

§ 152.085 CONDITIONAL USES PERMITTED.

In the GF Zone, the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.616. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted.

(A) Commercial activities in conjunction with farm uses including the processing of farm crops into biofuel not permitted under ORS 215.283 (1) (u) and provided in § 152.617 (I) (B).

(B) Operations as provided in § 152.617 (I) (K) conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under §152.083 (D) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517;

(2) Mining, crushing ~~or~~ **and** stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement as provided in § 152.617 (I) (A). New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

(4) Processing of other mineral resources and other subsurface resources.

(C) **Parks:**

~~(BB)~~ **(1)** Private parks, playgrounds, hunting and fishing preserves and campgrounds on a parcel or tract not meeting the definition of non-high value farmland, as provided in § 152.617 (I) (O).

~~(D)~~ **(2)** Public parks. A public park may be established consistent with the provisions of ORS 195.120, and includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040,

whichever is applicable as provided in § 152.617 (I) (Q).

~~(E)~~ **(D)** *Golf courses* and their permitted accessory uses on **farmland** ~~a parcel or tract~~ **determined not to be meeting the definition** of high value farmland as defined in ORS 195.300, ~~meeting limitations pertaining to accessory uses in OAR 660-33-130(20), and subject to expansion limitations in OAR 660-33-130(18).~~ Non-regulation golf courses are ~~not permitted in an EFU Zone~~ as provided in §152.617 (I) (G).

~~(G)~~ **(E)** *Personal use airports (air strips for airplanes and helicopter pads)* **for airplanes and helicopters** including associated hangar, maintenance and service facilities as provided in § 152.617 (I) (N).

~~(H)~~ **(F)** Home occupations operated by a resident or employee of a resident of the property on which the business is located as an accessory use within the dwelling or other buildings customarily provided in conjunction with farm use as provided in § 152.617 (I) (H).

~~(I)~~ **(G)** *Community centers* owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community, **located predominately on farmland** as provided in § 152.617 (I) (D).

~~(J)~~ **(H)** *Temporary Hardship Residence.* One manufactured dwelling, or **one** recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling **may be permitted** ~~allowed~~ in the EFU **GF** zone, as a temporary use for the term of the hardship suffered by the existing resident or relative of the resident; **or as a result of a natural hazard event**, as provided in § 152.617 (I) (V).

~~(K)~~ **(I)** Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.283 (1) (x) may be conditionally permitted as provided in § 152.615 and § 152.617 (I)(I), as applicable. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)

~~(L)~~ **(J) *Solid waste*** A ~~site for the disposal site~~ of solid waste approved by the governing body of the County for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value farmland and may be maintained, enhanced or expanded on the same tract subject to §152.061 and as provided in § 152.617 (I) (S).

~~(M)~~ **(K)** The propagation, cultivation, maintenance and harvesting of aquatic species as provided in § 152.617 (I) (P)

(L) [Item blank.]

(M) *Transportation:*

~~(N)~~ **(1)** Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right of way but not resulting in the creation of new land parcels.

~~(O)~~ **(2)** Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

~~(P)~~ **(3)** Improvement of public roads

and highway related facilities, such as maintenance yards, weigh stations and rest areas on lands predominately in farm use where additional property or right of way is required, but not resulting in the creation of new land parcels. ~~Improvements may be limited when located on land composed of high-value soils.~~

(4) Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply.

(5) Transportation improvements on rural lands allowed by OAR 660-012-0065. If transportation improvements are review under this Section indicates that the use or activity is inconsistent with the County Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to, or in conjunction with the conditional permit review application.

~~(V)~~ **(6)** Construction of rest areas, weigh stations, temporary storage, and processing sites.

~~(KK)~~ **(7)** Temporary asphalt and concrete batch plants as accessory uses to specific highway projects, as provided in §152.617 (I) (A).

~~(LL)~~ **(8)** Public road and highway projects as described in ORS 215.213(2)(p) through (r) and (10) and 215.283(2)(q) through (s) and (3);

~~(Q)~~ **(N) Destination Resort.** A destination resort which is **reviewed and approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort pursuant to ORS 197.435 to 197.467 and Goal 8** on a parcel or tract not meeting the definition of high-value farmland **and** as provided in § 152.617 (I) (F).

(O) Living History Museum. A living history museum shall be related to **resource based activities and shall be owned and operated by a governmental agency or a local historical society as depicted in OAR 660-033-0130 (21) and as provided in § 152.617 (I) (J).**

(P) Operations for the extraction and bottling of water as provided in § 152.617 (I) (M).

~~(T)~~ **(Q) On site filming and activities** accessory to on site filming **for more than 45 days** provided for in ORS 215.306, as provided in § 152.617 (I) (L).

(R) Residential homes as defined in ORS 197.660, in existing dwellings and subject to administrative review procedures in § 152.769 and subject to § 152.059 (K) (11) and § 152.617 (I) (R).

(S) Utilities.

~~(F)~~ **(1) Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I) (C). A power generation facility shall not preclude more than 10-acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660 division 4.** (For specific criteria for Wind Power Generation see § 152.616 (HHH))

~~(R)~~ **(2) Construction of new utility facilities, including transmission lines and towers, necessary for public service as provided in § 152.617 (I) (C).**

~~(DD)~~ **(3) Transmission or communication towers over 200 feet on land predominately in farm use and as provided in § 152.617 (I) (T).**

(4) Television, microwave and radio communication facilities and transmission towers on land predominately in forest use;

(5) New electric transmission lines on land predominately in forest use with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines on land predominately in forest use (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width on land predominately in forest use.

~~(FF)~~ **(6) Water intake facilities, related treatment facilities, pumping stations, and distribution lines on land predominately in forest use;**

~~(S)~~ **(T) An outdoor mass gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.**

~~(U)~~ **Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the**

~~Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:~~

~~(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.~~

~~(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.~~

~~(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.~~

~~(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.~~

~~(X) (U) **Public or private schools on non-high value farmland** for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, as provided in §152.617 (I) (U). Provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. New facilities are not allowed on high value~~

~~farmland and as provided in § 152.617 (I) (U).~~

~~(Y) (V) **Permanent facility for the primary processing of forest products, as provided in § 152.617 (I) (Y);**~~

~~(W) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.~~

~~(Z) (W) **Permanent logging equipment repair and storage;**~~

~~(AA) (X) **Log scaling and weigh stations;**~~

~~(EE) (Y) **Aids to navigation and aviation;**~~

~~(GG) (Z) **Reservoirs and water impoundments;**~~

~~(HH) (AA) **Firearms training facility as provided in ORS 197.770 (2);**~~

~~(BB) (1) Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is 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. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. 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 six-month period.~~

~~(2) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.~~

~~(3) Subject to the approval of the County governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or~~

~~internal cooking appliance. [Criteria moved to CUP section.]~~

~~(H) **(BB)** *Cemeteries on land predominately in forest use, as provided in § 152.617 (I) (DD).*~~

~~(JJ) **(CC)** (Private seasonal accommodations for fee hunting operations may be allowed subject to §§ 152.086 and 152.089 and the following requirements:~~

~~(1) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;~~

~~(2) Only minor incidental and accessory retail sales are permitted;~~

~~(3) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and~~

~~(MM) **(DD)** *Private accommodations for fishing occupied on a temporary basis may be allowed on predominately forestlands subject to §§ 152.086 and 152.089 and the following requirements:*~~

~~(1) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;~~

~~(2) Only minor incidental and accessory retail sales are permitted;~~

~~(3) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;~~

~~(4) Accommodations must be located~~

within one-quarter mile of fish bearing Class I waters; and

(5) A governing body may impose other appropriate conditions.

~~(NN)~~ **(EE)** *Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.*

~~(OO)~~ **(FF)** *Youth camp as provided in OAR 660-033-0130 (40). A youth camp may be located only on a lawfully established unit of land that is at least 1,000 acres in size, composed predominantly of class VI, VII or VIII soils, not located within an irrigation district, not located within three miles of an urban growth boundary and not established in conjunction with an existing golf course. [Code amendment to add Youth Camp is proposed only, not adopted as of April 25, 2022]*

(GG) Dump truck parking on land predominately in forest use, as provided in ORS 215.311 and §152.086.

§ 152.086 LIMITATIONS ON CONDITIONAL USES.

The following limitations shall apply, if determined appropriate, to all conditional uses in the GF Zone as found in OAR 660-006-0025 (5), except as noted for non-farm dwellings in § 152.059 (K) (8) and referenced in §152.084 (K) (I):

(A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(B) The proposed use will not significantly increase fire hazard or

significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(C) A written statement (i.e. Covenant Not to Sue Agreement) recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in § 152.085 (H C) (1), (J AA), (BB G), (HH I), and (NN EE) of this chapter.

§ 152.087 PARCEL SIZES.

In a Grazing Farm Zone, the following standards shall apply for the creation of new parcels:

(A) ~~*Farm/resource parcels determined to have a predominate agricultural use as of January 1, 1993.*~~ **Grazing Farm zoned parcels.** Parcels of 160 acres or larger may be established through the Type IV, Review I Land Division application process listed in §152.710 (B). An 11% ~~standard~~ deviation allowance is **may be** provided ~~outright~~ to compensate for irregularities due to the government land survey system, roads and other rights-of-way, **as provided by §152.711.**

(B) Resource parcels determined to have a predominate forest use as of January 1, 1993 and for the purposes of facilitating a forest practice. . .

(C) For a non-farm dwelling on a **GF zoned** parcel determined to have a predominate agricultural use as of January 1, 1993. . .

(D) For an existing dwelling on a **GF zoned** parcel determined to be

predominately in forest use, and complying with criteria in §152.710 (G), Type IV, Review VI Land Division. Creation of a parcel under this division shall be subject to the following:

~~(1) The parcel shall not be larger than five acres, except as necessary, to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;~~

~~(2) The dwelling existed prior to June 1, 1995;~~

~~(3) The remaining parcel not containing the dwelling meets the minimum land division standards of the zone; or the remaining parcel not containing the dwelling is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;~~

~~(4) The remaining parcel not containing the dwelling is not entitled to a dwelling unless subsequently authorized by state law or goal;~~

~~(5) The minimum tract eligible under this division is 40 acres;~~

~~(6) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS Chapter 321;~~

~~(7) Applicant shall provide a copy of a recorded irrevocable consent agreement that restricts the allowance of any dwellings on the remaining parcel that does not contain the existing dwelling. This irrevocable consent agreement may be rescinded by a statement of release signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the property have~~

~~been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.~~

(C) For a non-farm dwelling on a parcel determined to have a predominate agricultural use as of January 1, 1993. A parcel may be established for a new non-farm dwelling or for an existing farm-related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in §§ 152.059 (K) (8) and/or (9), following and complying with the standards and procedures in § 152.710 (D), Type IV, Review III Land Division application process.

(D) For an existing dwelling on a parcel determined to be predominately in forest use. Creation of a parcel under this division shall be subject to the following:

(1) The parcel shall not be larger than five acres, except as necessary, to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(2) The dwelling existed prior to June 1, 1995;

(3) The remaining parcel not containing the dwelling meets the minimum land division standards of the zone; or the remaining parcel not containing the dwelling is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(4) The remaining parcel not containing the dwelling is not entitled to a dwelling unless subsequently authorized by state law or goal;

(5) The minimum tract eligible under this division is 40 acres;

(6) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS Chapter 321;

(7) Applicant shall provide a copy of a recorded irrevocable consent agreement that restricts the allowance of any dwellings on the remaining parcel that does not contain the existing dwelling. This irrevocable consent agreement may be rescinded by a statement of release signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(E) *For existing dwellings on a GF zoned parcel determined to be predominately in forest use for mixed farm and forest use, and complying with criteria in §152.710 (G), Type IV, Review VI Land Division.* Creation of a parcels under this division shall meet the following:

(1) ~~At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993.~~

(2) ~~Each dwelling complies with the criteria for a replacement dwelling under UCDC Section 152.083 (O).~~

(3) ~~The dwellings were not subject to a permit that required removal of the dwelling.~~

(4) ~~The dwellings were not~~

~~approved under a provision that prohibited division of the lot or parcel.~~

~~(5) The dwellings were not approved under provisions listed in UCDC Sections 152.084 (K) and/or 152.059 (K).~~

~~(6) Each parcel created under this section is between two and five acres in size, except for one parcel.~~

~~(7) Each parcel created under this section will have one existing dwelling located on the parcel.~~

~~(8) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use.~~

~~(9) *Covenant Not to Sue.* All dwellings approved within the mixed farm forest zone require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them 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 ORS30.936~~

or 30.937.

~~(10) The resulting parcels shall be added to the County's inventory of parcels that cannot be further divided.~~

(F) *For other non-farm/non-resource and conditional uses.* The minimum lot area for other "non-farm" and "non-resource" uses ~~permitted outright or conditionally in this zone~~ shall be only the size necessary to accommodate the use and may be established through §152.710 (E), Type IV, Review IV Land Division application.

(G) *UGB Areas.* Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type IV, Review V Land Division application process.

§ 152.088 DEVELOPMENT STANDARDS.

In the GF zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage.* A parcel shall have a minimum road or street frontage of 30 feet.

(B) *Front yard setbacks.* All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks.* Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non-farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non-farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare, and to mitigate possible adverse impacts to adjacent land uses.

(D) *Distances from aggregate mining operations.* A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(E) *Stream setback.* To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped

as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood prone area; and

(c) Location of the proposed building in compliance with the 100-foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

(F) *Other development standards.* All development shall be subject to the

supplementary regulations contained in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off-street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.

§ 152.089 GENERAL SITING AND FIRE SITING STANDARDS.

The following criteria shall apply to all new dwellings and structures in the GF Zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

(A) Dwellings and accessory structures shall be sited on the parcel so that:

(1) They have the least impact on adjoining forest or agricultural lands;

(2) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(3) The amount of forest lands used to site access roads, service corridors, the dwelling and accessory structures is minimized; and

(4) The risks associated with wildfire are minimized.

(B) Siting criteria satisfying division (A) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(C) Applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of groundwater or surface water and not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For the purposes of this division, evidence of a domestic water supply means:

(1) Verification from a water purveyor (e.g. Water Resources Department irrigation district, etc.) that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(2) A water use permit issued by the Water Resources Department of the use described in the application; or

(3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

(D) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long term road access use permit or agreement. The road use permit may require the applicant agree to accept responsibility of road maintenance.

(E) Approval of a dwelling shall be

subject to the following requirements:

(1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry rules. The Planning Department shall notify the County Assessor of this condition at the time the dwelling is approved.

(2) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the County Assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

(3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

(4) The Planning Director or authorized designee shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the County a document binding the landowner, and the

landowner's successors in interest, prohibiting them 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.

(F) *Fire Siting and Fire Safety Design Standards.* The following fire-siting and fire safety design standards shall apply when constructing all new dwelling or structures in the GF Zone.

(1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the

water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road design standards shall meet the appropriate rural fire protection district and forest protection district standards for private roads and bridges, except for private roads and bridges accessing only commercial forest uses. If no such standards exist, the county shall, on a site by site basis, consult with the appropriate fire or forest protection district to determine mutually agreed upon road and access standards considering maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions.

(3) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.

(4) The dwelling shall have a fire retardant roof.

(5) The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the dwelling has a chimney or

chimneys, each chimney shall have a spark arrester.

CONDITIONAL USES AND LAND USE DECISIONS

Sub-Sections

<u>152.610</u>	<u>Definition</u>
<u>152.611</u>	<u>New or altered conditional uses and land use decisions; conformance with requirements; performance bonds</u>
<u>152.612</u>	<u>Procedure for taking action on a conditional use and land use decision application</u>
<u>152.613</u>	<u>Time limit on a conditional use and land use decision permit</u>
<u>152.614</u>	<u>Limit on reapplication</u>
<u>152.615</u>	<u>Additional conditional use permit restrictions</u>
<u>152.616</u>	<u>Standards for review of conditional uses and land use decisions</u>
<u>152.617</u>	<u>Standards for review of conditional uses and land use decisions on EFU zoned land</u>

§ 152.611 NEW OR ALTERED CONDITIONAL USES AND LAND USE DECISIONS; CONFORMANCE WITH REQUIREMENTS; PERFORMANCE BONDS.

(A) Conditional uses and land use decisions listed in this chapter may be permitted, enlarged or altered contingent upon appropriate authorization, in accordance with the standards and procedures set forth in this subchapter.

(B) In permitting a new or the alteration of an existing conditional use or land use decision, the designated planning authority

may impose conditions, which are considered necessary to protect the best interests of the surrounding area or the county as a whole.

(C) In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use or land use decision, any change in use or in lot area or an alteration of structure shall conform to the requirements for a conditional use or land use decision.

(D) The County may require an applicant to furnish the County with a performance bond or such other form of assurance that the County deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use or land use decision.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.

The procedure for taking action on a conditional use or land use decision application shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a conditional use or land use decision by filing an application using forms prescribed pursuant to § 152.767;

(B) A conditional use or land use decision application shall be processed via administrative review per § 152.769;

(C) A conditional use permit or land use decision will not be approved unless the proposed use of the land will be in conformance with the County Comprehensive Plan;

(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before establishing the approved use and/or commencing construction.

(E) A Conditional use **permits and land use decisions** may have annual reviews conducted by County Planning to ensure compliance with the conditions of approval. Annual review fees may be assessed.

(F) A conditional use or land use decision may be referred to the Planning Commission if the Planning Director deems circumstances warrant such additional review and consideration.

§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU AND GF ZONED LANDS.

Two sections:

(I) EFU AND GF ZONE CONDITIONAL USES

(II) EFU AND GF ZONE LAND USE DECISIONS

The following standards shall apply for review by the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below:

(I) EFU AND GF ZONE CONDITIONAL USES

Quick links to each listed use:

- (A) Asphalt plants.
- (B) Commercial Activities in Conjunction with Farm Use.
- (C) Commercial Utility Facilities.
- (D) Community Centers.
- (E) Composting Facilities.
- (F) Destination Resorts.
- (G) Golf courses and their related services and facilities.
- (H) Home Occupations/Cottage Industry.
- (I) Kennels.
- (J) Living History Museum.
- (K) Mining
- (L) Onsite Filming Activities (more than 45 days).
- (M) Operations for the Extraction and Bottling of water.
- (N) Personal Use Airport or Airstrip.
- (O) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.
- (P) Propagation, Cultivation, Maintenance and Harvesting of Aquatic Species.
- (Q) Public parks.
- (R) Residential Home or Facility (in existing homes).
- (S) Site for Disposal of Solid Waste.
- (T) Transmission or Communication Towers over 200 feet in height.
- (U) Public or Private Schools
- (V) Temporary Hardship Dwelling
- (W) Commercial Wind Power Generation Facility
- (X) Agri-Tourism or other commercial event or activity
- (Y) Permanent Facility for the primary processing of forest products

(D) *Community Centers.*

(1) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall

be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(2) Any enclosed structures or group of enclosed structures described in subsection (1) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(3) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

(1) **(4)** The activity is compatible with the existing surrounding land uses;

(2) **(5)** The site has direct access to a dedicated public or county road or state highway;

(3) **(6)** There is adequate area for parking;

(4) **(7)** Landscaping is provided between the use and surrounding residential uses;

(5) **(8)** Adequate building and site design provisions are provided to minimize noise and glare from the building and site;

(6) **(9)** Complies with other conditions deemed necessary, **as provided in §152.615.**

(E) *Composting Facilities.*

Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, and OAR 340-093-0050 and OAR 340-096-0200060, and which are not facilities that are a "farm use" as defined OAR 660-033-0020 (7), or proposed to be located on farmland meeting the definition of high-value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under in OAR 340-096-0024 (1), (2) or (3) 340-093-0030.

(1) Buildings and facilities used for the composting operation shall only be those required for the operation of the subject facility.

(2) On site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(3) Complies with other conditions deemed necessary, **as provided to §152.615.**

(G) *Golf courses and their related services and facilities. A Golf Course is an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.*

(1) Existing golf course facilities located on high value farmland, as defined in ORS 195.300 may be maintained, enhanced or expanded on the same tract, subject to other requirements of this section, but golf courses may not be expanded beyond 36-holes and enclosed existing

structures within three miles of an urban growth boundary may not be expanded beyond the requirements of OAR 660-033-0130 (2).

(2) New Golf Courses are not allowed on high value farmland, as defined in ORS 195.300.

(3) New golf courses on non-high value farmland must be a nine or 18-hole regulation golf course or a combination nine and 18-hole regulation golf course consistent with the following:

(a) A regulation 18-hole golf course is a site of 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes; and/or

(b) A regulation nine-hole golf course is a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

(c) Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this section, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

(d) Structures provided as part of a golf course that is, or would be, located within three miles of an urban growth boundary are limited in design capacity as provided in OAR 660-033-0130 (2).

(4) Accessory uses provided as part of a golf course must be consistent with the following standards:

(a) Only accessory uses to a golf course that are incidental to the operation of the golf course and are either necessary for the operation and maintenance of the golf course or that provide goods or services customarily provided to golfers at a golf course are allowed. An accessory use or activity is not allowed to serve the non-golfing public.

(b) Accessory uses serving the needs of the persons and their guests who patronize the golf course to golf shall be limited in size and orientation on the site. Those accessory uses that provide commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and

(c) Accessory uses may include food and beverage service facilities that are located in a clubhouse and may include an additional accessory use food and beverage service facility. The food and beverage service facilities must be incidental to the operation of the golf course and the structures shall be limited in size and orientation on the site and serve only the needs of persons who patronize the golf course and their guests. (Accessory food and beverage service facilities shall not be designed for, or include structures for, banquets, public gatherings or public

entertainment.)

(d) Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;

(1) (5) There The golf course facility must provide is sufficient off street parking for employees, owners and patrons;

(2) (6) The golf course facility must provide adequate and lawful use has access to a dedicated public or county road or state highway and address potential traffic impacts, as provided in §152.019;

(3) (7) Interior access roads shall be designed and improved to accommodate internal traffic loads a standard and follow grades approved by the Public Works Director;

(4) ~~Ingress and egress are provided and designed not to create traffic hazards;~~

(5) ~~The location is conveniently or centrally located to serve local uses;~~

~~(6) Fencing and landscaping shall be required around the perimeter of the use to reduce trespass and litter onto adjacent farm, forest, rural residential and forest or mountain residential use;~~

~~(7) (8) A site plan shall be submitted with the application drawn or certified by an Oregon licensed landscape architect, or registered engineer or professional golf course designer;~~

~~(8) (9) Certification from an Oregon licensed engineer shall be submitted showing Provide verification from Oregon Water Resources and/or applicable irrigation district that an adequate water supplies are is available for domestic (includes water for fairways and greens) and fire suppression use~~ golf course operations;

(10) Satisfy State requirements for on-site fire suppression;

~~(9) (11) Submit A a favorable site suitability evaluation report from either County Environmental Health or the DEQ, as applicable, is obtained for related services requiring sanitation facilities and is submitted with the application.~~

(12) Address the standards in Section 152.061 (ORS 215.296).

(13) Comply with other conditions necessary, as provided in §152.615.

(H) *Home Occupations/Cottage Industry.*

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident or

employee of a resident of the property on which the business is located;

(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

(3) The home occupation/cottage industry shall not interfere with other uses permitted in the zone in which the property is located;

(3) (4) There shall be no more than five people employed, including both full and part time employees;

(4) (5) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(5) (6) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(6) (7) Retail sales shall be limited or accessory to a service;

(7) (8) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(8) (9) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(9) (10) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

(10) (11) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.

(11) (12) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(12) (13) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. No more than 10 vehicles from customers/visitors of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time.

(14) A property line adjustment may not be approved where the adjustment would separate a home occupation from the dwelling on the

parcel.

(I) Kennels.

(1) The activity is compatible with the existing surrounding land uses;

(2) Building and site design provisions are adequate to minimize noise and odors caused by the activity;

(3) The site has direct access to a dedicated public or county right of way or state highway;

(4) A site-obscuring fence or hedge may be required to protect adjacent land uses;

(5) Adequate area is provided for parking and the loading and unloading of animals, especially those large animals requiring trucks to transport them;

(6) All kennels, runs, or pens shall be completely enclosed and shall be constructed of masonry, concrete or other such materials as shall provide for cleanliness, ease of maintenance and sound and noise control. Fencing to be used will be of an industrial grade quality and not aluminum.

(7) All kennels, runs and other facilities shall be designed, constructed and located on the site in a manner that will minimize and adversely affect upon the surrounding properties. Among the factors that shall be considered, are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences on nearby properties, and other similar factors. Kennels are not

allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(8) The owner or operator of the kennel or pound shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be maintained in such a manner that they will provide a breeding place for insects, vermin or rodent.

(9) The advice of the County Health Officer, officials of humane societies and veterinarians may be requested before approving a dog kennel or pound.

(10) Meet the requirements of Oregon Administrative Rules 603, Division 15 (Care of Pets and Captive Animals.)

(11) The kennel shall be at least 100 feet from a property line and 500 feet from the nearest residence other than the owner's or applicant's home, provide it is on the same lot as the proposed kennel.

(12) No dog kennel shall occupy a front yard area of a lot.

(13) The kennel shall be enclosed by a perimeter fence.

(14) Complies with other conditions deemed necessary, **as provided in §152.615.**

(J) Living History Museum.

(1) A living history museum shall be related to resource based activities and shall be owned and operated by a government agency or a local historical

society.

(2) A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.

(3) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(4) Any enclosed structures or group of enclosed structures described in subsection (3) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(5) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary

may not be expanded beyond the requirements of this rule.

(3) **(6)** The site has direct access to a dedicated public or county road or state highway;

(4) **(7)** There is adequate area for parking;

(5) **(8)** Landscaping shall be provided between the use and any surrounding residential uses;

(K) *Mining*

Mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre requires a land use permit. Commercial gravel **(aggregate)** pits ~~or~~ **and** extraction, surface mining, and ~~the~~ processing and the operations conducted for the exploration, ~~of~~ mining and processing of geothermal resources, **mining** other mineral resources, ~~or~~ **and** other subsurface resources.

(1) Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit:

(i) They **In an existing pit extraction holes and sedimentation ponds** shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over 75% of the total ~~land mass~~ **acreage of the tract of land** and ~~shall be centered on the property.~~

(ii) They **In an existing pit extraction holes and**

sedimentation ponds shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling unless the operator can obtain a written release from the dwelling owner allowing a closer setback.

(b) In a new pit. They Extraction holes and sedimentation ponds shall not be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property dwelling owner allowing a closer setback. The new pit shall be centered on the property and not exceed over 75% of the total acreage of the tract of land land mass.

(2) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

(i) Processing Equipment shall not be located within 50 feet of a public road, county road or utility right of way ~~or located further away if deemed necessary.~~

(ii) Processing Equipment shall not be located within 100 feet from any part of a property line, which is adjacent to a residential dwelling unless the operator can obtain a written release from the dwelling owner allowing a closer setback

~~or further if deemed necessary.~~

(b) In a new pit. ~~Where the u~~Use of processing equipment such as crushers, and batch plants, ~~and the like, the operator~~ will be required to be placed such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property dwelling owner allowing a closer setback.

(3) The applicant is required to obtain access approach permits to public roads All ~~accesses and their locations shall be~~ and arranged construct access in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(4) The mining operation areas shall be screened from adjoining residential ~~districts~~ zones, county roads, highways and public roads by placement of fences, walls, hedges and/or landscaped berms. ~~Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If, fencing and/or walls are required, they shall be of a type and color that will blend with the surrounding landscape areas and existing uses. In all instances above, the placement and design shall effectively screen and site from the public;~~

(5) Legible copies of a detailed site plan shall be submitted. ~~Such~~ The site plans shall have a horizontal scale that is no smaller than one inch equals to 400 feet and shall show, ~~but not be limited to,~~ the corners and area proposed mining area, mining boundaries and proposed

~~screening or berm areas, of the mining areas; the area to be mined; **The site plan shall also include** the location and names of all streams, wetlands, natural areas, **access easements, public roads, railroads, and utilityies facilities** within or **and** adjacent to such **the proposed mining area.** land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and range). If aerial photographs are used as a base, the scale shall be shown; **A record survey of the proposed mining area and mining boundary may be required prior to issuance of a permit to mine, as a condition of approval;**~~

(6) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas;

(7) ~~**The applicant shall submit to the County Aa reclamation plan showing how the site will be reclaimed and the beneficial use the land will be available for after mining activities have ceased**~~ the has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance;

(8) The **mining** operation **must** comply with all applicable air, noise and water quality regulations of all county, state or **and** federal jurisdictions, and obtain the all applicable **county,**

state or **and** federal permits are obtained **prior to mining;**

(9) Rehabilitation of landscape **the mining site** after the mining extraction operations are **cease must be completed, including the removal from the mining project site all equipment, temporary structures and refuse and leaving the site free of debris; the site must meet all requirements of the Oregon Department of Geology and Mineral Industries (DOGAMI).** A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation.

(10) All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project;

(11) (10) The **mining operations** activity must comply with other **applicable circumstances and conditions deemed necessary, pursuant to §152.615,** which may include, but are not limited to:

- (a) Limitations on lighting;
- (b) Restrictions on the hours of operations;
- (c) Fencing of open pit areas;
- (d) An increase or decrease in required setbacks;
- (e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping.
- (f) Off site stockpiling and/or processing if

located adjacent to concentration of residential dwellings

~~(12) (11) Within an Exclusive Farm Use Zone, the requested site must be included on an inventory included in the acknowledged Comprehensive Plan in order for a permit for mining of aggregate to occur. A permit for mining of aggregate shall only be issued for a site included on an inventory in an acknowledged Comprehensive Plan.~~

(12) Comply with other conditions necessary, as provided in §152.615.

(L) *Onsite Filming Activities* (more than 45 days).

Onsite filming and activities accessory to onsite filming that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days may be conducted by the approval of the local government in any area zoned for exclusive farm use subject to §152.062. For purposes of this section, “on-site filming and activities accessory to on-site filming” includes:

(1) Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming.

(2) Production of advertisements, documentaries, feature film, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.

(3) Does not include:

(a) Facilities for marketing,

editing and other such activities that are allowed only as a home occupation; or

(b) Construction of new structures that requires a building permit.

(4) Sign and record in the deed records for the County a document prohibiting 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.

(5) Comply with other conditions necessary, as provided in §152.615.

(M) *Operations for the Extraction and Bottling of water.*

(1) The activity has direct access to a major state, county or public road;

(2) The activity is located to reduce any detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties may be required to reduce any detrimental effects.

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

(4) The operation complies with all applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdiction and all applicable permits are obtained.

(5) Complies with other conditions deemed necessary, as provided to §152.615.

(N) Personal Use Airport; ~~or~~ Airstrip and Helicopter Pads.

PERSONAL USE AIRPORT, as used in this division, means an airstrip **and helicopter pad** restricted, except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by ~~his~~ **the owner's** invited guests, and by commercial aviation activities in connection with agricultural operation.

(1) No aircraft shall be based on a personal use airport other than those owned or controlled by the owner of the airstrip **and helicopter pad**;

(2) A site plan is submitted with the application showing topography of the surrounding area;

(3) The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(6) Facility be located 500 feet or more from existing dwellings on adjacent properties;

(7) The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;

(8) Complies with other conditions

deemed necessary, **as provided in §152.615.**

(9) The personal use landing strip lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Aviation.

(10) Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances.

(O) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract predominately in farm use but not meeting the definition of high value farmland.

(1) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(2) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(3) Existing facilities wholly within a farm use zone may be maintained,

enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

(1) ~~(4)~~ Private campgrounds shall be located on a lot or parcel contiguous to a lake or reservoir and shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. A private campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposed, but not for residential purposed and is 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. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects vegetation or other natural features between campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. 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.

(2) ~~(5)~~ Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by (3) below;

(3) ~~(6)~~ Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. Not more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(4) ~~(7)~~ Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

(5) ~~(8)~~ Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(6) ~~(9)~~ Fire protection measures be considered which may include, but are not limited to:

(a) Area surrounding use is to be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect

adjacent farm crops or timber stand;

(c) ~~If proposed to be located in a forested area,~~ eConstruction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

~~(7)~~ **(10) Provide** Adequate off street parking is provided for users as prescribed in §152.560;

~~(8)~~ **(11) Has Provide** an adequate quantity and quality of water and approved surface or sanitary disposal system from the as required by either County Environmental Health or DEQ as applicable, and supply adequate provisions of solid waste disposal;

~~(9)~~ **(12) Complies** with other conditions deems necessary, as provided in §152.615.

(P) *Propagation, Cultivation, Maintenance and Harvesting of Aquatic Species.*

(1) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.

(2) Notice of all applications under this section shall be made to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations and shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(3) Comply with other conditions

necessary, as provided in §152.615.

(Q) *Public parks.*

A public park may be established consistent with the provisions of ORS 195.120, ~~which includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040,~~ whichever is applicable.

(1) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(2) Any enclosed structures or group of enclosed structures described in subsection (1) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(3) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

(R) *Residential Home or Facility (in existing homes).*

(1) “Residential facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(2) “Residential home” means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(S) Site for Disposal of Solid Waste on non-high value farmland..

(1) Facility is designed to minimize conflicts with scenic values and adjacent

forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(2) Facility is of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) Area surrounding use is to be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(5) Facility shall not alter accepted timber or farm management operations on adjacent forest or farm lands;

(6) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(7) Access roads or easements shall

be improved to the county's Transportation Plan standards and follow grades recommended by the Public Works Director;

(8) Road construction must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality;

(9) Comply with other conditions deemed necessary, as provided in §152.615.

(T) *Transmission ~~or~~ and Communication Towers over 200 feet in height.*

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

(2) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non-combustible or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustible materials within 30 feet of structures;

(3) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(4) Take the least amount of timber or farm land out of production and maintain the overall stability of the land use patterns of the area.

(5) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(6) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(7) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(8) Complies with other conditions deemed necessary.

(U) *Public or Private Schools for kindergarten through grade 12.*

(1) Existing k-12 schools that were established prior to January 1, 2009 may be expanded as follows:

(a) Expansion is limited to schools for k-12, including all buildings essential to the operation of the school;

(b) The expansion must be primarily to serve rural residents;

(c) The expansion must meet §152.061 (ORS 215.296);

(d) The expansion is limited to occur on the same tax lot, or on

contiguous tax lots that were under the same ownership as the tax lot where the school was established, on January 1, 2015.

(2) New k-12 schools may be established on predominately non-high value farmland as follows:

(a) The new school is limited to k-12;

(b) New schools must primarily serve rural residents in the area where the school will be located;

(c) New schools must address and meet §152.061 (ORS 215.296).

(3) In addition to (1) or (2) of this section the following also apply:

~~(1)~~ (a) The site school ~~of~~ has direct access to a dedicated public or county road or a state highway;

~~(2)~~ (b) The school has ~~A~~adequate off street area is available for the loading and unloading areas of for vehicles and buses carrying school children;

~~(3)~~ Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

~~(4)~~ (c) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;

~~(5)~~ Schools shall not be approved within three miles of an urban growth boundary unless an exception is

approved pursuant to ORS 197.732 and OAR 660, Division 004.

~~(6)~~ (d) Complies with other conditions deemed necessary, as provided in §152.615.

~~(7)~~ Maintenance, enhancement or expansion standards for existing school facilities may be approved pursuant to OAR 660-033-0130 (2, 5) or (18).

~~(8)~~ (4) New School facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(V) Temporary Hardship Dwellings Residence.

~~(1)~~ Purpose. The purpose of this section is to establish a temporary hardship dwellings residence for the term of the hardship suffered by the existing resident or relative of the resident in the EFU or GF Zone. A hardship dwelling is one manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative.

~~(1)~~ UNDUE HARDSHIP Hardship. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons. A hardship shall refer to unique and temporary conditions that exist for the existing resident or relative of the resident which justify the need for temporary housing on a given lot or parcel. The aged or ~~disabled~~ infirm person must require direct personal care ~~in order~~ to qualify for a temporary hardship

dwelling residence. If the hardship is suffered by the existing resident, then a non-relative caregiver may live in the temporary hardship dwelling residence. ~~Nothing in this section shall be construed to require the granting of such temporary hardship dwelling.~~

(2) *Conditions.* A temporary hardship residence for a medical hardship or hardship for the care of an aged or infirm person or persons may include either a manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building. The following conditions criteria shall be applied in evaluating an application for a medical hardship or hardship for the care of an aged or infirm person or persons for a Temporary Hardship Dwelling Residence:

(a) The temporary hardship dwelling residence shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;

(b) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship.

(c) The Planning Director or designated authority may require doctor's certification based upon family member dependency due to age and/or medical reasons. The information must provide information for a decision maker

to determine the extent of the conditions that warrant the need for the temporary hardship residence and the type of direct care the resident or relative of the resident requires.

(d) The location of a temporary hardship dwelling on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;

(e) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished, decommissioned, or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The landowners shall sign and record in deed records, to covenant and agree that the temporary hardship residence will be removed, demolished or returned to an allowed nonresidential use, as required within three months of the need for the temporary hardship residence has ceased. Department of Environmental Quality review and removal requirements also apply.

(f) A temporary hardship dwelling residence approved under this sub-section is not eligible for replacement.

(g) A temporary hardship residence approved under this sub-section must satisfy the following criteria (§152.061):

(i) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(ii) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(h) Approval of a temporary hardship residence require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them 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.

(i) A property line adjustment may not be approved for the lot or parcel where the adjustment would separate a temporary hardship residence (dwelling) from the primary dwelling located on the parcel.

(j) Comply with other conditions necessary, as provided in §152.615.

(X) *Agri-Tourism events or other commercial event or activity.*

The County may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities. However, the temporary structures must be removed at

the end of the agri-tourism or other commercial event or activity. The County may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized, including, but not limited to, grading, filling or paving.

(1) *Single Event. . .*

(a) The agri-tourism or other commercial event or activity is ~~related to and supportive of agriculture as well as~~ must be incidental and subordinate to existing farm use on the tract;

(b) The duration of the agri-tourism or other commercial event or activity ~~does~~ may not exceed 72 consecutive hours;

(c) The maximum attendance at the agri-tourism or other commercial event or activity ~~does~~ may not exceed 500 people;

(d) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity ~~does~~ may not exceed 250 vehicles;

(e) The agri-tourism or other commercial event or activity must ~~complies~~ with §152.061;

(f) The agri-tourism or other commercial event or activity may occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

(g) The agri-tourism or other commercial event or activity must

complies with conditions established for:

(i) Planned hours of operation;

(ii) Access, egress and parking;

(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(iv) Sanitation and solid waste.

(2) *Multiple Events (6 events)*. The County may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(a) Must be incidental and subordinate to existing farm use on the tract;

(b) May not, individually, exceed a duration of 72 consecutive hours;

(c) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(d) Must comply with §152.061;

(e) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(f) Must comply with conditions established for:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v) Sanitation and solid waste.

(g) The County may issue the limited use permits for two calendar years. When considering an application for renewal, the County

shall ensure compliance with these provisions, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(3) *Multiple Events (18 events)*. The County may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(a) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(b) Comply with these requirements:

(i) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(ii) Must comply with §152.061;

(iii) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(iv) Must comply with conditions established for:

1. The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

2. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

3. The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

4. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

5. Sanitation and solid waste.

(c) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(d) Do not exceed 18 events or activities in a calendar year.

(e) A holder of a permit authorized by the County under this

subsection must request review of the permit at four-year intervals. Upon receipt of a request for review, the County shall:

(i) Provide public notice and an opportunity for public comment as part of the review process; and

(ii) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit.

(Y) *Permanent Facility for the primary processing of forest products on GF zoned land that is predominately in forest use*: [see (§ 152.617 (I)(EE) for facilities processing forest products on EFU zoned land].

(1) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

(2) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or

(3) Located in a combination of indoor and outdoor areas described in paragraphs (1) and (2); and

(4) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

(AA) Landscape contracting business.

Landscape contracting business as

defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(1) The “landscape contracting business” and/or “business providing landscape architecture services” must meet definitions set out in §152.003.

(2) The “landscape contracting business” and the “business providing landscape architecture services” must be done in conjunction with farm use on the property by growing and marketing nursery stock.

(3) The business must address and comply with §152.061.

(4) The business site must have lawful access to a dedicated public or county road or a state highway and must obtain and verify an access approach permit.

(5) Comply with other conditions necessary, as provided in § 152.615.

(BB) Private parks and campgrounds: on land predominately in forest use.

A campground is an area devoted to overnight temporary use for vacation or recreational purposes, but not for residential purposes. Campgrounds authorized by this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(1) Campgrounds for vacation and recreational purposes shall be on a lot

or parcel contiguous to a lake or reservoir and shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. ORS 197.732 Campgrounds approved under this section must be found to be established on a site or is contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by the occupants of the campground. The campground must be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides a buffer of existing native trees and vegetation or other natural features between campsites. 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 six-month period.

(a) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by (3) of this section.

(b) 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 six-month period.

(2) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more

than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(3) Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

(4) Access roads or easements shall be improved to a standard and follow grades recommended by the Public Works Director;

(5) Fire protection measures shall be considered which may include, but are not limited to:

(a) Areas for park and campground use shall be kept free from litter and debris;

(b) Fencing shall be used and maintained around park and campground uses, if deemed appropriate to protect adjacent

farm crops and timber;

(c) Construction materials shall be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(6) Parks and campgrounds shall be provided with adequate off street parking for users as prescribed in §152.560;

(7) Parks and campgrounds shall be provided with an adequate quantity and quality of water and approved sanitary disposal as required by County Environmental Health or DEQ as applicable, and provide adequate solid waste disposal;

(8) Comply with other conditions necessary, as provided in §152.615.

(CC) Temporary facility for the primary processing of a forest product on EFU zoned land and that is portable, as follows:

The “primary processing of a forest product,” as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market.

“Forest products” as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(1) The facility is located on the parcel of land or contiguous land where the timber to be processed is grown;

(2) The facility is located away

from existing recreational residential development by more than 200 feet;

(3) Where possible, haul roads will avoid existing recreational residential developments.

(4) Within an EFU Zone, the following additional standards as set forth in ORS 215.283(2) (j) shall apply:

(a) The facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2),

(b) Approval of the facility is approved for a one-year period. The facilities are intended to be only portable and temporary in nature.

(5) Comply with other conditions necessary, as provided in §152.615.

(DD) Cemeteries on land predominately in forest use.

(1) Evidence in written form from an agronomist or other official competent in soils analysis, determining that the terrain is suitable for internment and that the nature of the subsoil and drainage will not have a detrimental effect on ground water and other domestic water supplies;

(2) In establishing a new cemetery, adequate room for expansion shall be provided;

(3) The site has direct access to a dedicated public or county road right

of way or state highway;

(4) All roads within the cemetery shall be, at a minimum, an oil mat surface;

(5) The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements at intersections;

(6) On EFU zoned lands cemeteries are allowed in conjunction with churches consistent with ORS 215.441 and are processed as a land use decision, as provided in 152.617 (II) (2).

(7) Comply with other conditions necessary, as provided in §152.615.

(II) EFU AND GF ZONE LAND USE DECISIONS

Quick links to each listed use:

- (1) Agricultural Processing Facility.
- (2) Cemeteries in conjunction with churches.
- (3) Churches
- (4) Facility for Processing Forest Products.
- (5) Firearms Training Facility.
- (6) [Item Deleted]
- (7) Utility Facility Necessary for Public Service.
- (8) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard.

(1) Agricultural Processing Facility for Processing Farm Crops.

A facility for the processing of farm products is a permitted use under ORS

215.283 (1)(r) on land zoned for exclusive farm use, only if the facility:

(a) Uses less than 2,500 square feet for its processing area and complies with all applicable standards pertaining to floodplains, airport safety and fire siting standards; or

(b) Uses more than 2,500 square feet but less than 10,000 square feet for its processing area and complies with all applicable siting standards;

(c) “Facility for the processing of farm products” means a facility for:

(1) Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or

(2) Slaughtering, processing or selling poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

(d) “Processing area” means the floor area of a building dedicated to farm product processing. “Processing area” does not include the floor area designated for preparation, storage or other farm use.

~~(a)~~ (e) The activity has direct access to a major state, county or public road;

~~(b)~~ (f) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential areas.

A buffer or setback area from adjacent properties may be required to reduce detrimental effects. The establishment of a buffer shall consider such factors as prevailing wind, drainage, expansion potential and other factors that may affect the livability of such proposed use of the area;

~~(e)~~ **(g)** Ingress and egress are provided and designed so as not to create a traffic hazard;

~~(d)~~ **(h)** The operation complies with all applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdiction and all applicable permits are obtained;

~~(e)~~ ~~The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;~~

~~(f)~~ **(i)** The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

~~(g)~~ ~~A processing facility shall comply with all applicable siting standards;~~

~~(h)~~ **(j)** A land partition shall not be approved by the County to separate the processing facility from the farm operation.

(2) Cemeteries in conjunction with churches on predominately non-high value farmland.

(a) No enclosed structure with a

design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (1) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

~~(a)~~ **(d)** Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for interment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies;

~~(b)~~ **(e)** In establishing a new cemetery, adequate room for expansion shall be provided;

~~(e)~~ **(f)** The site has direct access to a dedicated public or county right of way

or state highway;

(d) ~~(g)~~ All roads within the cemetery shall be, at a minimum, an oil mat surface;

(e) ~~(h)~~ The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements;

(f) ~~(i)~~ Cemeteries in conjunction with a church shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(g) ~~(j)~~ On EFU zoned lands cemeteries are allowed in conjunction with churches consistent with ORS 215.441 and are processed as a land use decision.

(h) ~~(k)~~ The cemetery may be required to have landscaping around the perimeter of the site.

(3) Churches on predominately non-high value farmland.

~~(g) Churches must be consistent with ORS 215.441 are allowed as follows: and are processed as a land use decision.~~

~~Such uses may be authorized only upon a finding that sufficient area is provided for the building, required yards, and off-street parking. Related structures and uses such as a manse, parochial school, or parish house are considered separate uses and additional lot areas shall be required therefore.~~

~~(b) (a) The applicant shall provide a design of the proposed facilities and address the following public facilities to meet the church size and proposed church activities issues in the application:~~

~~(1) Location of the site relative to the service area;~~

~~(2) Probable growth and needs thereof;~~

~~(3) Site location relative to land uses in the vicinity;~~

~~(4) (1) Provide and show A adequate and lawful access to and from a principle public street or road and the probable effect of the proposal on the traffic volume as provided in 152.019; of abutting and nearby streets.~~

(2) Comply with State Water Resources requirements and provide adequate water supply; and

(3) Provide adequate sewer and storm water drain systems, as required by state and county requirements.

(b) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR

chapter 660, division 34.

(c) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(d) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

(e) Siting of the church facilities must meet zoning dimensional standards.

(g) Existing church facilities located on parcels composed predominately of high value farmland may be maintained, enhanced or expanded on the same tract of land, subject to siting and permit standards. New churches located on parcels composed predominately of high value farmland are not allowed.

~~(e) Such uses or related buildings shall be at least 30 feet from a side or rear lot line;~~

~~(d) Such uses may be built to exceed the area and the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in~~

~~each case are equal to at least two-thirds of the height of the principal structure.~~

~~(e) Churches shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.~~

~~(f) Expansion of existing church facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990. New church facilities are not allowed to be located on farm-zoned land that is predominately composed of high value farm soils.~~

~~(g) Churches must be consistent with ORS 215.441 and are processed as a land-use decision.~~

~~(4) Facility for Processing Forest Products. [Item moved.]~~

~~(8) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard.~~

~~(a) A lawfully established dwelling may be altered, restored or replaced under this section if the county determines that the dwelling to be altered, restored or replaced had; , when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:~~

~~(A) The dwelling to be altered, restored or replaced has, or formerly had:~~

(i) Intact exterior walls and roof structure;

(ii) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(iii) Interior wiring for interior lights; and

(iv) A heating system; and

(B) (b) If the dwelling was removed, destroyed or demolished:

(i) ~~The assessed as a dwelling's on the tax lot does not have a lien for delinquent ad valorem taxes roll for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time; and~~

(ii) Any removal, destruction or demolition occurred on or after January 1, 1973;

~~(C) Notwithstanding paragraph (B), if the value of the dwelling was eliminated as a result of either of the following:~~

~~(i) The dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated by the destruction (i.e. by fire or natural hazard), or demolition for the restoration of the dwelling; or~~

~~(ii) The applicant establishes that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll~~

~~or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.~~

~~(b) (c) The replacement dwelling to must be sited replaced-sited on the same lot or parcel must be:~~

(i) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

(ii) For the purpose of minimizing the adverse impacts on resource use of the land in the area, within a concentration or cluster of structures or within 500 yards of another structure; and

(iii) The replacement dwelling must comply with applicable siting standards and with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

~~(A) (d) The dwelling to be replaced must be Rremoved, demolished or converted to an allowable nonresidential use;~~

~~(i) wWithin one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or~~

~~(ii) If the dwelling to be~~

replaced is, in the discretion of the county, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the county that is not less than 90 days after the replacement permit is issued.

(iii) The applicant must record in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted to a nonresidential use.

~~(e) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.~~

~~(A) The replacement dwelling must be sited on the same lot or parcel:~~

~~(i) Using all or part of the footprint of the replaced dwelling; or~~

~~(ii) near a road, ditch, river, property line forest boundary or another natural boundary of the lot or parcel; and~~

~~(iii) if possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.~~

~~(d) A replacement dwelling permit that is issued under this section is not subject to the time to act limits of ORS 215.417.~~

(e) Covenant Not to Sue. All dwellings approved within the EFU and GF zones require the landowners

to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them 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.

(f) The dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and ORS215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

(g) The county planning director, or the director's designee, shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under this subsection including a copy of the deed restrictions filed under this section.

(h) If an applicant is granted a deferred replacement permit under this section, the deferred replacement permit:

(i) Does not expire but the permit becomes void unless the

dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

(ii) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

(9) Land application of reclaimed water, agricultural or industrial process water or biosolids.

(a) Land application requires a determination by the Department of Environmental Quality, in conjunction with the department's review of a license, permit or approval, that the application rates and site management practices for the land application of reclaimed water, agricultural or industrial process water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

(b) The use of a tract of land on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred under this section may not be changed to allow a different use unless:

(i) The tract is included within an acknowledged urban growth boundary;

(ii) The tract is rezoned to a zone other than an exclusive farm use zone;

(iii) The different use of the tract is a farm use as defined in ORS 215.203; or

(iv) A different use of the tract is a use allowed under:

(1) ORS 215.283 (1)(b), (d), (e), (h) to (L), (n) to (p), (r), (t) or (u);

(2) ORS 215.283 (2)(a), (i), (L) or (p) to (s); or

(3) ORS 215.283 (4).

(c) Alternatives. When a state agency or a local government makes a land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids under a license, permit or approval by the Department of Environmental Quality, the applicant shall address and explain in writing how alternatives identified in public comments on the land use decision were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives.

A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded under this subsection unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives.

(d) The uses allowed under this section include:

(i) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;

(ii) The establishment and use of facilities, including buildings, equipment, aerated and nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;

(iii) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

(1) A public right of way;
or

(2) Other land if the landowner provides written consent and the owner of the facility complies with ORS 215.275 (4); and

(3) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.

(e) Uses not allowed under this section include:

(i) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

(ii) The establishment and use of utility facility service lines allowed under ORS 215.283 (1)(u).

(f) The county or its designee may not approve a proposed division of land in an exclusive farm use zone for land application of reclaimed water, agricultural or industrial process water or biosolids.

**PART 5, TYPE IV LAND
DIVISION**

Sub-Sections

- 152.710 Review and approval
procedure: Matrix System.
- 152.711 Tolerances for Acreage
Categories Established by
Matrix System

**§ 152.710 REVIEW AND APPROVAL
PROCEDURE; MATRIX SYSTEM.**

(A) *Type IV Land Division review ~~and approval matrix system~~ **table**.* Review and approval of a Type IV Land Division shall be divided into six types of reviews. The following table ~~shall~~ **may** be used to identify what **the land division** type of review is to be used:

Type of Land Use	<i>Parcel Size To Be Created Through a Land Division.</i>		
	<i>Creating a Parcel 160 acres +</i>	<i>Creating a Parcel 80 - 160 acres</i>	<i>Creating a Parcel Less Than 80 acres</i>
Continued Resource use in the EFU Zone	<u>Review I</u> , and the requirements of the Critical Winter Range (CWR) Overlay if applicable	<u>Review II</u> , and the requirements of the CWR Overlay if applicable	<u>Review II</u> if located within an approved “go-below” area per <u>OAR 660-033-0100</u>
Continued Resource use in the GF Zone	<u>Review I</u> , and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Does Not Apply	Does Not Apply

<u>Non-farm Dwelling Land Division in EFU and GF</u> Non-resource (EFU or GF Zone) new or existing dwelling	Does Not Apply	Does Not Apply	<u>Review III</u> Level I for parent parcels greater than 160 acres and meets the non-farm dwelling criteria, <u>Review III</u> , Level II for parent parcels 40 to 160 acres and meets the non-farm dwelling criteria
<u>Land Division for other uses in EFU and GF-</u> Non-resource (EFU or GF Zone) uses other than dwellings	Conditional <u>Land</u> use permit required first then <u>Review IV</u>	Conditional <u>Land</u> use permit required first then <u>Review IV</u>	Conditional use permit or land use decision for a Utility Facility allowed under 152.059 (C) required first then <u>Review IV</u>
<u>Land Division along UGBs in EFU and GF</u> EFU or GF Zone and UGB Parcels	Does Not Apply	Review V if portion of parcel located within UGB	Review V if portion of parcel located within UGB
GF Zone – two or more existing dwellings or to facilitate a forest practice	Does Not Apply	Does Not Apply	Review VI parcels for lawfully existing dwellings <u>and forest practices.</u>

(D) *Review III.* The following review and approval of a Type IV, Review III Land Division application may create, upon approval, of up to two new non-farm dwelling parcels that will be smaller than the minimum parcel size for land zoned EFU.

(1) The review and approval of a Type IV, Review III Land Division application is divided into two levels:

(a) The Level I review is administered when the non-farm dwelling parcels are partitioned from a parent lot or parcel that is larger than 160 acres.

(b) The Level II review is

administered when non-farm dwelling parcels are partitioned from a parent lot or parcel that is larger than 40 acres but smaller than 160 acres.

(2) The survey requirement for a Type IV, Review III, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686 and the following standards:

(a) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(b) All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type IV, Review III Land Division.

(c) Each parcel under four acres in size, both those partitioned and the remaining piece ~~which are to be~~ for residential purposes, **must** have a site ~~suitability~~ **evaluation** approval from ~~the Department of Environmental Quality~~ **County Environmental Health**. A waiver to this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:

(i) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition ~~form~~ **application**;

(ii) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

(E) *Review IV*. The following review and

approval standards of a Type IV, Review IV Land Division application are for the creation of parcels to establish non-farm uses on qualified parcels:

(1) The survey requirement for a Type IV, Review IV, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686 and the following standards:

(a) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(b) All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type IV, Review IV Land Division.

(c) Each parcel under four acres in size, both those partitioned and the remaining piece which are to be for residential purposes, have a site ~~suitability~~ **evaluation** approval from ~~the Department of Environmental Quality~~ **County Environmental Health**. A waiver to this requirement may be granted if the

applicant makes a written request to the Planning Director and the Planning Director finds:

(i) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition ~~form~~ **application**;

(ii) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

(2) If the partition is a requirement of an approved conditional use, land use decision or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

(3) *Criteria for approval of Type IV, Review IV, Land Division application:*

(a) A proposed division of land may be approved in an exclusive farm use zone for non-farm uses as set out in ORS 215.283 (1) (c) and (2), and in the grazing farm zone for non-resource uses as set out in OAR 660-006-0025 (4) (a) through (o) and approved pursuant to OAR 660-006-0025 (5), except dwellings, if it ~~finds that~~ the parcel for the non-farm/non-resource use is not larger than the minimum size necessary for the use-, **and the parcel will be:**

(i) ~~Be a~~An adequate size area necessary for **sanitary facilities** and the protection of public health;

(ii) ~~Will be~~ The minimum **parcel** size needed **necessary** to accommodate the principal use and its accessory uses, structures, and facilities;

(iii) ~~Consider compatibility~~ **Compatible** with adjoining land uses and ~~be of~~ a size **necessary** to mitigate adverse impacts;

(iv) ~~Consider possible effects on~~ **Compatible with** the overall land use pattern of the area and immediate vicinity;

(v) The non-farm/non-resource parcel may not be later be used to rezone the land for retail, commercial, industrial or other non-resource use, except as provided under the statewide land use planning goals or under ORS 197.732.

~~(v)~~ **(vi) Conditional Uses under ORS 215.283 (2) and OAR 660-006-0025 (4) (a) through (o) will comply with the development standards in § 152.063, and applicable standards in §§152.010 through 152.017, §§152.545 through 152.562, and §§152.615 and 152.6167. Land Use Decisions under ORS 215.283(1)(c) will comply with the development standards in § 152.059 (C) and § 152.617 (II) (7).**

(b) ~~The governing body may establish other criteria as it considers~~

necessary. A Land Division to facilitate a forest practice as defined in ORS 527.620 must be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the GF minimum parcel size of 160 acres in order to conduct the forest practice. Parcels created pursuant to this section:

(i) Are not eligible for siting a new dwelling;

(ii) May not serve as justification for the siting of a future dwelling on other lots or parcels;

(iii) May not, as a result of the land division, be used to justify redesignation or rezoning of resource land; and

(iv) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(1) Facilitate an exchange of lands involving a governmental agency; or

(2) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

(G) Review VI. Criteria for approval of a Type IV, Review VI Land Division application for the creation of parcels for lawfully existing dwellings located on GF Zoned land predominately in forest use.

(1) The establishment of a parcel where (one) existing dwelling is located on a parcel determined to be predominately in forest use. Creation of a parcel for the existing dwelling under this division shall be subject to the following:

(a) The existing dwelling eligible under this section must be on a tract of a minimum of 40 acres;

(b) The tract with the existing dwelling shall be predominately in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321;

(c) The new parcel established for the existing dwelling shall not be larger than five acres, except as necessary, to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(d) The qualifying dwelling existed prior to June 1, 1995;

(e) The new parcel not containing the existing dwelling is not entitled to a dwelling unless subsequently authorized by state law or goal and the parcel either:

(i) Meets the minimum land division standards of the zone; or

(ii) The parcel not containing the dwelling is consolidated with another parcel, and together meets the

minimum land division standards of the zone.

(f) The remainder of the tract does not qualify for any uses allowed under ORS 215.283 that are not allowed on forestland.

(g) The applicant shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for GF and predominately in forest use except as permitted under section.

(2) The establishment of new parcels for at least two lawfully existing dwellings that are located on a lawfully created lot or parcel determined to be predominately in forest use. Creation of new parcels for the existing dwellings under this division shall be subject to the following:

(1) **(a)** The **lot or** parcel was lawfully created and at least two dwellings lawfully exist on the lot or parcel prior to November 4, 1993.

(1) **(b)** Each dwelling complies with the criteria for a replacement dwelling under UCDC Section 152.083 (O).

(2) **(c)** The dwellings were not subject to a permit that required removal of the dwelling.

(3) **(d)** The dwellings were not approved under a provision that prohibited division of the lot or parcel.

(4) **(e)** The dwellings were not approved under provisions listed in UCDC Sections 152.084 (K) and/or 152.059 (K).

(5) **(f)** Each parcel created under this section is between two and five acres in size, except for one parcel.

(6) **(g)** Each parcel created under this section will have one existing dwelling located on the parcel.

(7) **(h)** The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located.

A restriction imposed under this paragraph is irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use.

(8) **(3)** Covenant Not to Sue. All dwellings approved ~~within~~ **under (1) and (2) of this section** ~~the mixed farm forest zone~~ require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them

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.

(9) ~~(4)~~ **(4)** Survey requirements for a Type IV, Review VI, Land Division application will meet the provisions for a partition and follow the technical standards of submittal the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(10) ~~(5)~~ **(5)** Access easements are subject to § 152.684 (E) – (F).

(11) ~~(6)~~ **(6)** Obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(12) ~~(7)~~ **(7)** All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type IV, Review VI Land Division.

(13) ~~(8)~~ **(8)** The resulting parcels shall be added to the County's inventory of parcels that cannot be further divided.

§ 152.711 TOLERANCES FOR PARCEL ACREAGE SIZE. CATEGORIES ESTABLISHED BY MATRIX SYSTEM.

(A) ~~Land division~~ **A** acreages for the parcel sizes established for review in the

~~matrix system found in § 152.710 (A) of this chapter~~ **in EFU and GF zones** may deviate below 160-acres ~~the minimums established for each category listed in the matrix~~ under the following circumstances:

(1) Where it can be shown that a county, public or state road right-of-way has reduced the gross acreage of parcel (i.e. the right-of-way was donated to or condemned by the state or county for road purposes);

(2) Where it can be shown that the government survey for a section of ground is less than the standard 640 acres per section, 160 acres per quarter section, or 40 acres per quarter-quarter section.

(B) In no case shall the deviation **be approved** below the **acreage** minimum established by the categories in the matrix **to** exceed 11%.

FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 19th day of July, 2022.

UMATILLA COUNTY BOARD OF COMMISSIONERS



John M. Shafer, Chair





Daniel N. Dorran, Commissioner



George L. Murdock, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer

