

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP**

In the Matter of:

AN ORDINANCE ADOPTING LEGISLATIVE TEXT ADMENDMENTS TO THE *LAND AND WATER DEVELOPMENT AND USE ORDINANCE 80-14* AND TO THE *CLATSOP COUNTY STANDARDS DOCUMENT*, RELATED TO USES AND DEVELOPMENT STANDARDS IN THE EXCLUSIVE FARM USE (EFU), FORESTRY-80 (F-80), AND AGRICULTURE-FORESTRY (AF) ZONES.

ORDINANCE NO. 18-02

Doc # RECORDED

JUL 12 2018

Recording Date: Doc# 2018070040

RECITALS

WHEREAS, the primary responsibility for the implementation of Statewide Planning Goals 3 and 4 (Agricultural and Forest Land) resides with the County; and

WHEREAS, the primary resopnsibility for the implementation of ORS chapter 215 and OAR divisions 6 and 33 resides with the County; and

WHEREAS, the County's land use regulatons must be consistent with the comprehensive plan, statutes and administrative rules; and

WHEREAS, the County's exclusive farm use and forest zones have not been updated to reflect changes in state law since 1993; and

WHEREAS, the County seeks to adopt new or amended sections of its zoning ordinance and standards document so that their provisions for exclusive farm use, forest, and mixed farm/forest are consistent with state law and the needs of the county; and

WHEREAS, the Clatsop County Board of Commissioners appointed a citizen-lead ad hoc advisory committee on December 9, 2015, to review the required and recommended amendments; and

WHEREAS, the ad hoc advisory committee continuously met with the Clatsop County Planning Commission from February 2017 through January 2018 to finalize the recommended revisions; and

WHEREAS, the Clatsop County Planning Commission on May 8, 2018, voted 5-0 to recommend the Board of Commissioners approve the proposed changes; and

WHEREAS, public notice has been provided pursuant to law; now therefore,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

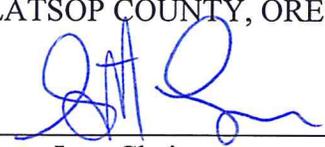
SECTION 1. The text of the Clatsop County *Land and Water Development and Use Ordinance #80-14* is hereby amended to reflect the changes as recommended by Staff and contained in Exhibit A.

SECTION 2. The text of the *Clatsop County Standards Document* is hereby amended to reflect the changes as recommended by Staff and contained in Exhibit B.

Approved this 27th day of June, 2018

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____


Scott Lee, Chair

[NOTE: This exhibit contains only those definitions proposed to change, excerpted from the full text of LWDUO Section 1.030]

Section 1.030. Definitions.

As used in this Ordinance, the following words and phrases shall have the following meanings:

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

ACCESSORY BUILDING - A detached ~~subordinate building structure~~, the use of which is customarily incidental and subordinate to that of the main building or to the main use of the land and which is located on the same tract with the main building or use. In the farm and forest zones, the landowner files a restrictive covenant in the deed records of the county, stating that the accessory structure will not be used as a residence of rental unit. Accessory ~~building structure~~ includes, but is not limited to:

BARN -- A structure used for the storage of farm products, feed, and for housing farm animals and light farm equipment. Allowed in Forest, Exclusive Farm Use, Rural Agriculture and Open Space zones.

CARETAKER'S RESIDENCE -- A single dwelling unit which is used exclusively by the owner, manager or operator of a principal permitted use and which is located on the same parcel as the principal use. A maximum of one caretaker's residence per principal use may be permitted in lieu of other residential uses allowed in the zone. Allowed in Forest, Commercial, Industrial and Open Space zones.

GARAGE, PRIVATE -- A deck, building, or part thereof customarily used for the parking and storage of vehicles.

PERSONAL STORAGE STRUCTURE -- A structure over 1,000 square feet for the storage of the owner's personal possessions which is located on the same property as the owner's residence. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial activities.

SHED, FARM STORAGE -- A structure large enough to store or repair a property owner's machinery and heavy equipment used in conjunction with agricultural/forestry practices on the same property on which the structure is located or on adjacent property under the same ownership. Allowed in Forest, Exclusive Farm Use, Rural Agriculture and Open Space zones.

SHED, STORAGE -- A structure up to 1,000 square feet in which possessions are kept for future use and which is constructed on the owner's property. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial activities.

AGRICULTURAL EXEMPT BUILDING – Any structure that is considered to be an “agricultural building” as defined in ORS 455.315 and is on a lot or parcel that is:

- (1) Enrolled in a farm or forest deferral program with the County Assessor; or
- (2) Not enrolled in a farm or forest deferral program with the County Assessor and for which the owner submits a signed statement along with documentation such as a business plan, profit/loss statements, tax returns or advertising, to demonstrate the lot or parcel(s) are in Farm Use as defined in LWDUO 1.030.

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

~~BED & BREAKFAST – An owner occupied dwelling where rooms are available for transient lodging and where a morning meal is provided.~~

BED AND BREAKFAST FACILITY: An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of ORS 624.010 to 624.130.

CAMPGROUND -- An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

CAMPSITE -- A space provided in a campground, primitive campground or recreational vehicle (RV) park which usually contains a table, stove, parking place and space for a tent to accommodate a one-family group.

COMMERCIAL DAIRY FARM: A commercial dairy farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by this Article/Chapter from the sale of fluid milk.

COMMERCIAL POWER GENERATING FACILITY -- A facility for the production of energy and its related or supporting facilities that:

- (1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas,

digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;

- (2) Is intended to provide energy for sale; and
- (3) Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

COMMERCIAL TREE SPECIES -- Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.

CONTIGUOUS – Tax lots or parcels that have a common boundary. Contiguous lots or parcels include those that are under common ownership and separated by a public road.

CUBIC FOOT PER ACRE -- The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey. The cubic foot per acre value is calculated by dividing the total volume of the stand by its age, at the point where the stand reaches its maximum annual rate of growth.

CUBIC FOOT PER ACRE PER YEAR -- The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

DATE OF CREATION AND EXISTENCE – In farm and forest zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

DWELLING UNIT -- ~~One room, or rooms connected together,~~ A permanent structure constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EVENT, TEMPORARY – An event that is held primarily on or is using Public Property that has an expected attendance of more than [50], but no more than [500] people, that will not continue for more than [72] hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a ministerial/Type I or Temporary Use process and are not considered "outdoor mass gatherings" as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).

FARM OPERATOR -- A person who operates a farm, doing the work and making the day-to-

day decisions about such things as planting, harvesting, feeding and marketing.

FARM OR RANCH OPERATION -- All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203(2).

FARM STAND STRUCTURE -- A structure that is designed and used for the sale of farm crops and livestock as provided in the definition of FARM USE. A food stand is considered to be a farm stand structure.

FARM USE, COMMERCIAL ACTIVITY IN CONJUNCTION WITH -- The processing, packaging, treatment, wholesale distribution and storage of a product primarily derived from farm activities in the local agricultural community. Also includes retail sales of products, supplies and services, which may be offered in a farm stand structure, to the agricultural community that support the production and harvesting of agricultural products.

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

FEDERAL INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones for those areas.

FLOOD INSURANCE RATE MAP (FIRM) -- An official map of a community, on which the Federal Insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

FOREST OPERATION -- Any commercial activity relating to the growing, harvesting or management of any forest tree species as defined in ORS 527.620(6).

GOLF COURSE — A 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

- 1) A regulation 18 hole golf course is generally characterized by a site of about 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;
- 2) A regulation 9 hole golf course is generally characterized by 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;
- 3) Non-regulation golf courses are not allowed uses within these areas.

GOLF COURSE -- 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. A "golf course" for purposes of this ordinance means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

- 1) A regulation 18 hole golf course is generally characterized by a site of about 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:

- (2) A rule nine hole golf course is generally characterized by 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.

GOLF COURSE, NON-REGULATION -- A golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, par 3 golf courses, pitch and putt golf courses, miniature golf courses, driving ranges and Frisbee golf. Non-regulation golf courses are not permitted on lands zoned EFU or AF.

HIGH VALUE FARM LAND -- Is described as:

- (1) High Value Farmland: Land in a tract composed predominantly of soils that are:
- a) Irrigated and classified prime, unique, Class I or II; or
 - b) Not irrigated and classified prime, unique, Class I or II.
- (2) In addition to that land described in Subsection (1), high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa;
- (3) In addition to that land described in Subsection (1), high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in Subsection (1) and the following soils:
- a) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - b) Subclassification IIIw, specifically, Brenner and Chitwood;
 - c) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - d) Subclassification IVw, specifically, Coquille.

HOME OCCUPATION, CONDITIONAL USE -- Any occupation or profession carried on by a member of the family residing on the premises, if the occupation or profession:

- 1) will be operated by a resident of the property on which the business is located and the resident files an annual report verifying that the home occupation complies with the conditions originally imposed;
- 2) will employ no more than five full or part-time persons;
- 3) will be operated in:
 - (A) the dwelling; or
 - (B) other buildings normally associated with uses permitted in the zone in which the property is located; and
- 4) will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- 5) will comply with all conditions imposed pursuant to Sections 5.000 through 5.030 and all standards as set forth in S3.460 through S3.462.

The existence of home occupations shall not be used for justification for a zone change.

IRRIGATED -- Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

LOT – A single unit of land that is created by a subdivision of land (~~from as defined under ORS 92.010~~). In certain instances, this ordinance also uses the term "lot" in a broader sense inclusive of the terms parcel, unit of land, and tract of land).

MININGMINE -- Premises from which any rock, sand, gravel, stone, topsoil, clay, mud, peat, organic, or mineral is removed or excavated for sale, or other reasons, and exclusive of excavating and grading for streets and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

MINING -- "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock, organic or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming, forestry or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

MINING AND PROCESSING OF AGGREGATE, AND MINERAL, OIL, GAS OR OTHER SUBSURFACE RESOURCES -- "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent of off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming, forestry or cemetery operations, on-site road construction or other on-site construction of non-surface impacts of underground mines. Processing of aggregate includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit area. "Gas" means all natural gas and all other fluid hydrocarbons not defined as oil, including condensation originally in the gaseous phase in the reservoir. "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid

form by ordinary production methods, but does not include liquid hydrocarbons that we were originally in a gaseous phase in the reservoir.

~~MINING AND PROCESSING OF OIL, GAS OR OTHER SUBSURFACE RESOURCES—~~

~~“Gas” means all natural gas and all other fluid hydrocarbons not defined as oil, including condensation originally in the gaseous phase in the reservoir. “Oil” means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that we were originally in a gaseous phase in the reservoir. “Mining” includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. “Mining” does not include excavations of sand, gravel, clay, rock or other similarly materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.~~

NET METERING POWER FACILITY -- A facility for the production of energy that:

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

~~NON-REGULATION GOLF COURSE— A golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.~~

NON-COMMERCIAL/STAND-ALONE POWER GENERATING FACILITY -- A facility for the production of energy that:

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

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

OPEN PLAY FIELD -- A large, grassy area with no structural improvements intended for outdoor games and activities within a park by park visitors. The term does not include developed ball fields, golf courses or courts for racquet sports.

OUTDOOR MASS GATHERING -- A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as defined under ORS 30.671 and 215.283.

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

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

PERSONAL STORAGE STRUCTURE -- See Accessory Building Structure.

PREPARATION -- As it applies to the definition of "Farm use" in ORS 215.203, preparation includes but is not limited to the cleaning, treatment, sorting or packaging of farm products or by-products.

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

PROCESSED -- As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of

incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.

RELATIVE -- A spouse, child, stepchild, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, aunt, uncle, niece, nephew or first cousin of the farm operator or the farm operator's spouse.

~~STRUCTURE -- Anything constructed, erected, portable, or located on the ground or water, or attached to the ground or to an existing structure, including but not limited to, residences, apartments, barns, stores, offices, factories, sheds, cabins, mobile and floating homes, and other buildings.~~

STRUCTURE -- Anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground or water, or attached to an existing structure. Among other things, structure includes residences, apartments, barns, cabins, buildings, walls, fences, billboards, poster panels, food stands and parking lots.

TEMPORARY STRUCTURE OR USE -- A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and is removed from the site within one year.

~~TRACT OF LAND -- A contiguous area of land which exists or has existed in single ownership. One or more contiguous lots or parcels under the same ownership, as defined in ORS 215.010(2).~~

~~UTILITIES NECESSARY FOR PUBLIC SERVICE -- Major structure owned or operated by a public, private, or cooperative electric, fuel, communication, sewage or water company for the treatment, storage, transmission, distribution or processing of its products including sewage plants, solid waste disposal sites and transfer stations, dams and reservoirs for community water systems, water treatment plant, sanitary landfill or utility substation. Unless otherwise specified in this Article/Chapter, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.~~

~~VEGETATIVE HEDGE -- One or more species of vegetation, excluding shrubs or trees, growing or planted along a line and pleated together as they grow to create a dense boundary. Vegetative hedges include, but are not limited to: Laurel Bushes, Boxwoods, Rhododendron, Bottle Brush, Chaenomeles, Shrub althea, Honeysuckle, Magnolia, Wax Mallow and any other vegetation, used to buffer adjacent property and/or to screen out objectionable views.~~

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

detention facility.

SECTION 3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1).

Section 3.182. Purpose.

The RA-1 zone is intended to accommodate the immediate foreseeable demand for low density rural residential development in areas where commitments to such uses have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads). In areas contiguous with RA-2 or Urban Growth Boundary residential zones or similar city zone designations, the RA-1 zone is intended to be a transitional zoning district between the AF, F-80, EFU zones and is the same as RA-2 zone, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 3.190. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development standards and site plan review.

- (14) Farm stand structure.
- (15) Agri-tourism.

SECTION 3.200. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2).

Section 3.202. Purpose.

The RA-2 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development where commitments to such uses have already been made through existing subdivision, partitioning or development, or in selected, small areas having unique scenic quality and other development that will not require more than a very basic level of services (fire protection or community water). In areas contiguous with the SFR or RA-1 or any Urban Growth Boundary area the RA-2 zone is intended to be a transitional zone between the AF, F-80, EFU zones and said residential zone, with conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 3.207. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development standards and site plan review.

- (14) Farm stand structure
- (15) Agri-tourism

SECTION 3.220. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)

Section 3.222. Purpose.

The RA-5 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-5 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very lot density limitation of the RA-5 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 3.227. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development standards and site plan review.

- (16) Farm stand structure.
- (17) Commercial activity in conjunction with farm use.
- (18) Agri-tourism.

SECTION 3.230. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10).

Section 3.231. Purpose.

The RA-10 zone is intended to accommodate the foreseeable demand for very low density rural residential development in outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, development, or other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and private sewage disposal systems. The suitability of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 3.234. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030.

- (16) Farm stand structure.
- (17) Commercial activity in conjunction with farm use.
- (18) Agri-tourism.

SECTION 3.560. EXCLUSIVE FARM USE ZONE (EFU).

Section 3.562. Purpose.

~~The purpose and intent of the EFU zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new developments which are compatible with agricultural activities.~~

~~It is the intent of this zone classification to provide the automatic farm use valuation for farms which qualify under the provisions of Oregon Revised Statutes (ORS) 308.345-308.406. Therefore, the EFU zone is to be applied in those areas generally well suited for farming, as indicated by the nature and type of soil, size and location of the property, the suitability of the terrain and other similar factors.~~

~~Further, the EFU zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use free from conflicting non-farm uses and influences. It is the purpose and intent of this zone to encourage farm or agricultural use of land. All partitions of land within an EFU zone shall be subject to the requirements of Sections 3.572 and 5.200 of this Ordinance.~~

Section 3.561 Purpose.

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

Section 3.563. State Forestry Related Uses.

~~The following uses and activities are permitted subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules:~~

- ~~(1) The propagation and harvesting of a forest product.~~

Section 3.564. Development and Use Permitted.

~~The following developments and their accessory uses are permitted under a Type I procedure subject to applicable development standards:~~

- ~~(1) Farm uses (see definition).~~
- ~~(2) Operations for the exploration 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).~~

- ~~(3) — Public or private schools, including all buildings essential to the operation of a school, subject to the standards in Section 3.572(17).~~
- ~~(4) — Utility facilities necessary for public service including Communication Facilities subject to the standards in Section S4.700, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. The facility is necessary if it must be situated in the EFU zone in order for the service to be provided.~~
- ~~(5) — Winery subject to the standards in Section S3.513.~~
- ~~(6) — 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).~~
- ~~(7) — Climbing and passing lanes within the right of way existing as of July 1, 1987.~~
- ~~(8) — 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, and new land parcels result.~~
- ~~(9) — Temporary public road or highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~
- ~~(10) — 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.~~
- ~~(11) — Creation, restoration, or enhancement of wetlands.~~
- ~~(12) — Alteration, restoration, or replacement of a lawfully established dwelling, subject to the standards in Section 3.572(10).~~
- ~~(13) — Churches and cemeteries in conjunction with churches, subject to the standards in Section 3.572(17).~~
- ~~(14) — Seasonal farm worker housing, subject to the standards in Section 3.572(20).~~
- ~~(15) — Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed on the National Register of Historic Places.~~

Section 3.562 Development and Use Permitted.

The following developments and their accessory uses are permitted under a Type I procedure subject to applicable development standards.

- (1) Farm use.
- (2) Propagation or harvesting of a forest product.
- (3) Agricultural buildings customarily provided in conjunction with farm use.
- (4) Creation of, restoration of, or enhancement of wetlands.
- (5) 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.
- (6) Operations for the exploration for minerals as defined by ORS 517.750.
- (7) Climbing and passing lanes within the right of way existing as of July 1, 1987.
- (8) 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.
- (9) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 - (10) 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.
 - (11) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
 - (12) Fire service facilities providing rural fire protection services.
 - (13) Onsite filming and activities accessory to onsite filming for 45 days or less subject to standards in **ORS 215.306 S3.5161(1) or (2).**
 - (14) Firearms training facility in existence on September 9, 1995.
 - (15) An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.
 - (16) A winery subject to S3.515.
 - (17) Churches, and cemeteries in conjunction with churches, subject to S3.508(1). This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to S3.508(3).

Section 3.566. Conditional Development and Use.

The following developments and their accessory uses may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

- ~~(1) Commercial activities in conjunction with farm use subject to the standards in Section S3.509.~~
- ~~(2) Home occupations not related to auto/machinery repair or painting, subject to the standards in Section S3.509 and S3.460 and, in the case of a home occupation on high-value farmland, subject to the standard in Section 3.572(13).~~
- ~~(3) The propagation, cultivation, maintenance and harvesting of aquatic species, subject to the standards in Section S3.509.~~
- ~~(4) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by an immediate family member of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator, subject to the standard in Section 3.572(19).~~
- ~~(5) Dwelling customarily provided in conjunction with farm use, subject to standards in Section S3.518. Other buildings customarily provided in conjunction with farm use.~~
- ~~(6) A "small tract/poor soils" dwelling may be allowed subject to the approval criteria and conditions in Section S3.511, S3.512 and S6.000.~~
- ~~(7) A non farm dwelling subject to the standards in Section S3.519.~~
- ~~(8) A non farm dwelling subject to the standards in Section S3.520.~~
- ~~(9) Room and board arrangements for a maximum of five unrelated persons in existing residences, subject to the standards in Section S3.509.~~

- ~~(10) Health hardship dwelling, subject to the standards in Sections S3.025 and S3.509.~~
- ~~(11) Bed and breakfast establishment subject to the standards in Section S3.464 S3.468 and Section S3.509.~~
- ~~(12) Transmission towers including Communication Facilities subject to the standards in Sections S3.509 and S4.700.~~

Section 3.563 Conditional Development and Use.

The following developments and their accessory uses may be permitted under a Type II procedure and Sections 5.010 to 5.030 subject to applicable criteria and development standards and site plan review.

- (1) A facility for the processing of farm crops, biofuel or poultry subject to S3.501(1).
- (2) Dog training classes or testing trials subject to S3.503(1).
- (3) Farm stands subject to S3.503(2).
- (4) Agri-tourism and other commercial events or activities subject to S3.516.
- (5) Destination resort subject to S3.503(3).
- (6) Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to land application of biosolids subject to S3.506(1).
- (7) Utility facility service lines subject to S3.506(2).
- (8) Utility facilities necessary for public service, including associated transmission lines and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in S3.506(3).
- (9) A site for the takeoff and landing of model aircraft subject to S3.507(1).
- (10) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species and subject to S3.509.
- (11) Temporary hardship dwelling subject to S3.502(2), 3.508(2) and S3.509.
- (12) Room and board arrangements for a maximum of five unrelated persons in existing residences subject to S3.508(2) and S3.509.
- (13) Parking of up to seven log trucks subject to S3.509.
- (14) Home occupations as provided in S3.503(4) and subject to S3.509.
- (15) A 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, and subject to S3.509.
- (16) Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection Section 3.563(1) and subject to S3.503(5) and S3.509, but excluding activities in conjunction with a marijuana crop.
- (17) Transmission towers over 200 feet in height, subject to S3.509.
- (18) Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306, subject to S3.509.
- (19) Dwelling customarily provided in conjunction with farm use subject to S3.508(2) and S3.510.
- (20) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the

- management of the farm use subject to S3.502(1), and S3.508(2).
- (21) Accessory farm dwellings for year-round and seasonal farm workers subject to s3.508(2) and S3.511.
 - (22) One single-family dwelling on a lawfully created lot or parcel subject to S3.508(2) and S3.512.
 - (23) Single-family residential dwelling, not provided in conjunction with farm use subject to S3.508(2) and S3.513.
 - (24) Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to S3.508(2).
 - (25) Alteration, restoration, or replacement of a lawfully established dwelling subject to S3.508(2) and S3.514.

Section 3.567. Conditional Development and Use.

The following forest and non-forest developments and uses and their accessory uses may be permitted under a Type IIa procedure and Sections 5.000-5.030, subject to applicable criteria, development standards and site plan review.

- (1) ~~Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 and for oil and gas as defined in ORS 520.005 not otherwise permitted in this zone, subject to the standards in Section S3.509.~~
- (2) ~~Private parks, playgrounds, hunting and fishing preserves and campgrounds may be maintained, enhanced or expanded on high-value farmlands, and may be established as new uses on other lands in this zone subject to the standards in Section S3.509 and, in the case of campgrounds, subject to Section 3.572(11).~~
- (3) ~~Parks, playgrounds, or community centers owned and operated by governmental agency of non-profit community organization, subject to the standards in Section S3.509.~~
- (4) ~~Existing golf courses wholly within the EFU zone may be maintained, enhanced or expanded on high-value farmlands. New golf courses may be established on non-high-value farmlands in this zone subject to the standards in Section S3.509 and in Section 3.572(12).~~
- (5) ~~A facility for the primary processing of forest products subject to the standards in Section 3.572(14).~~
- (6) ~~Personal use airports subject to the standards in Section S3.509 and Section 3.572(15).~~
- (7) ~~A site for the disposal of solid waste together with equipment, facilities or buildings necessary for its operation, subject to the standards in Section S3.509 and Section 3.572(16).~~
- (8) ~~Commercial utility facilities for the purpose of generating power for public use by sale subject to the standards in Section S3.509 and Section 3.572(18).~~
- (9) ~~Transmission towers including Communication Facilities over 200 feet in height, subject to the standards in Section S3.509.~~
- (10) ~~On high-value farmland, the enhancement, expansion and maintenance of existing dog kennels. On farmland that is not high-value farmland, the establishment of new dog kennels or the enhancement, expansion and maintenance of existing dog kennels, subject to the standards in Section S3.509.~~
- (11) ~~Processing of aggregate into asphalt or Portland cement, subject to the standards in~~

~~Section S3.509.~~

- ~~(12) Operations conducted for the mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources, subject to the standard in Section S3.509.~~
- ~~(13) Processing of other mineral resources and other subsurface resources not otherwise permitted in the EFU zone, subject to the standards in Section S3.509.~~
- ~~(14) Improvement of public road 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, subject to the standards in Section S3.509.~~
- ~~(15) Construction of additional passing and travel lanes requiring acquisition of right of way but not resulting in the creation of new land parcels, subject to the standards in Section S3.509.~~
- ~~(16) 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, subject to the standards in Section S3.509.~~
- ~~(17) Roads, highways and other transportation facilities, and improvements not otherwise allowed in the EFU zone, subject to the adoption by the County of an exception to Statewide Planning Goal 3.~~

Section 3.564. Conditional Development and Use.

The following farm and non-farm developments and uses and their accessory uses may be permitted under a Type IIa procedure and Sections 5.000-5.030, subject to applicable criteria, development standards and site plan review.

- (1) A facility for the primary processing of forest products subject to S3.501(2) and S3.509.
- (2) Residential home as defined in ORS 197.660, in existing dwellings, subject to S3.508(2) and S3.509.
- (3) Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 3.563(2) and subject to S3.509.
- (4) Operations conducted for 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 and subject to S3.509.
- (5) Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298 and subject to S3.509.
- (6) Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to S3.504(1) and S3.509.
- (7) Processing of other mineral resources and other subsurface resources, subject to S3.509.
- (8) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels, subject to S3.509.
- (9) 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, subject to S3.509.
- (10) Improvement of public road 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, subject to S3.509.
- (11) Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065 and S3.509.
- (12) Personal-use airports for airplanes and helicopter pads, including associated hangar,

- maintenance and service facilities subject to S3.505(1) and S3.509.
- (13) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind or solar power generation facilities, subject to S3.517(1) and S3.509.
 - (14) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to S3.517(2) and S3.509.
 - (15) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to S3.517(3) and S3.509.
 - (16) A site for the disposal of solid waste 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, subject to S3.509. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to S3.506(5) and S3.508(3).
 - (17) 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 subject to S3.506(4) and S3.509. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to S3.508(3).
 - (18) Living history museum as defined in ORS 215.283(2)(x) and subject to S3.507(2), S3.508(1) and (3), and S3.509.
 - (19) Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community subject to S3.507(3), S3.508(1), and S3.509.
 - (20) Public parks and playgrounds subject to S3.507(4), S3.508(1), and S3.509.
 - (21) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210, and subject to S3.509.
 - (22) 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, subject to S3.508(1) and S3.509. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to S3.507(5) and S3.508(3).
 - (23) Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to S3.507(6), S3.508(1), and S3.509. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to S3.508(3).
 - (24) Golf courses as defined in Section 1.030 and subject to S3.507(7), S3.508(1), and S3.509. This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to S3.508(3).
 - (25) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.

Section 3.565. Land Divisions.

The following land division standards, in addition to applicable standards in Sections 5.200 through 5.252, apply to land zoned Exclusive Farm Use.

- (1) Minimum Parcel Size. The minimum size for creation of a new parcel shall be 80 acres.
- (2) A division of land to accommodate a use permitted by **ORS 215.283(2), 3.562 through 3.564**, smaller than the minimum parcel size provided in Subsection (1), except a residential use, may be approved if the parcel for the nonfarm use is not larger than the

- minimum size necessary for the use.
- (3) A division of land to create up to two new parcels smaller than the minimum size established under Subsection (1), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
- (A) The nonfarm dwellings have been approved in conformance with S3.508(2) and S3.513;
 - (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (1); and
 - (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection (1).
- (4) A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
- (A) The nonfarm dwellings have been approved in conformance with S3.508(2) and S3.513;
 - (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A but equal to or larger than 40 acres;
 - (D) The parcels for the nonfarm dwellings are:
 - 1) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and
 - 2) Composed of at least 90 percent Class VI through VIII soils.
 - (E) The parcels for the nonfarm dwellings do not have established water rights for irrigation.
- (5) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- (6) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- (7) This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in Section 3.563(11), (14), (20) or (21) from the lot or parcel on which the primary residential use exists.
- (8) This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section 3.563(1).
- (9) A division of land may be permitted to create a parcel with an existing dwelling to be used:
- (A) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved in conformance with S3.513; and
 - (B) For historic property that meets the requirements of Section 3.563(24).
- (10) Notwithstanding the minimum lot or parcel size described in Subsection (1),
- (A) A division of land may be approved provided:
 - 1) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to

- purchase at least one of the resulting parcels; and
 - 2) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - 3) The landowner signs and records in the deed records of the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
 - (B) A parcel created pursuant to this Subsection that does not contain a dwelling:
 - 1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - 2) May not be considered in approving or denying an application for siting any other dwelling;
 - 3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - 4) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- (11) A division of land smaller than the minimum lot or parcel size in Subsection (1) may be approved provided:
 - (A) The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
 - (B) The church has been approved under Section 3.562(17).
 - (C) The newly created lot or parcel is not larger than five acres; and
 - (D) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection (1) either by itself or after it is consolidated with another lot or parcel.
- (12) Notwithstanding the minimum lot or parcel size described Subsection (1), a division for the nonfarm uses set out in Section 3.562(12) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- (13) The governing body of a county may not approve a division of land for nonfarm use under Subsection (2), (3), (4), (9), (10), (11) or (12) unless any additional tax imposed for the change in use has been paid.
- (14) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- (15) A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:
 - (A) If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.

- (B) If the parcel does not contain a dwelling, it:
- 1) Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;
 - 2) May not be considered in approving or denying an application for any other dwelling; and
 - 3) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use
 - 4) The landowner signs and records in the deed records of the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
- (16) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or biosolids as described under 3.563(6).

Section 3.566. Development Standards

All dwellings and structures approved pursuant to Section 3.560 shall be sited in accordance with this Section.

- (1) Lot Size Standards. Lot size shall be consistent with the requirements of Section 3.565.
- (2) Setbacks.
- (A) Front Yard: All buildings or structures with the exception of fences shall be setback a minimum of thirty (30) feet from the property line.
- (B) Rear Yard:
- 1) Dwellings: Twenty (20) feet.
 - 2) Churches, public and private schools, and other non-farm uses: Twenty (20) feet.
- (C) Side Yard:
- 1) Dwellings: Thirty (30) feet, except twenty (20) feet on a corner lot.
 - 2) Churches, public and private schools, and other non-farm uses: Twenty (20) feet.
- (3) Height.
- (A) Dwellings or accessory farm dwellings shall not exceed a height of forty-five (45) feet.
- (B) All other structures: No standards.

Section 3.567 State and Federal Permits.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

Section 3.572. Development and Conditional Development and Use Standards.

General Standards:

- (1) The minimum parcel size for new parcels shall be 80 acres, or if the new parcel is to be created for a nonfarm use authorized in this zone, it shall be the minimum size needed to

~~accommodate the use in a manner consistent with other requirements of this zone and other applicable state and federal laws but in no case shall it be smaller than 20 acres. No new lot or parcel may be created for a non farm dwelling until the dwelling has been approved.~~

- ~~(2) Maximum building height:
 - ~~(A) Dwellings: 45 feet.~~
 - ~~(B) All other structures: no standard.~~~~
- ~~(3) Minimum front yard: 30 feet for all structures abutting a street.~~
- ~~(4) Minimum rear yard:
 - ~~(A) Dwellings: 20 feet.~~
 - ~~(B) Churches, public and private schools and other non farm uses: 20 feet.~~~~
- ~~(5) Minimum side yard:
 - ~~(A) Dwellings: 30 feet, except 20 feet on a corner lot.~~
 - ~~(B) Churches, public and private schools and other non farm uses: 20 feet.~~~~
- ~~(6) No requirement of Section S2.012 Clear Vision Areas shall interfere with growing of farm crops.~~
- ~~(7) Agricultural uses in an EFU/SO zone shall be subject to the standards in S4.204.~~
- ~~(8) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.~~
- ~~(9) A farm stand may be allowed under Section 3.564(1) of the zone subject to the following standards:
 - ~~(A) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and~~
 - ~~(B) 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.~~~~
- ~~(10)
 - ~~(A) A lawfully established dwelling under Section 3.564(12) of this zone is a single family dwelling which:
 - ~~1) Has intact exterior walls and roof structure;~~
 - ~~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; and~~
 - ~~4) Has a heating system.~~~~
 - ~~(B) In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.~~
 - ~~(C) An accessory farm dwelling may only be replaced by a manufactured dwelling.~~~~
- ~~(11) New campgrounds may be established under Section 3.567(2) of this zone, except for areas of high value farmland.~~
- ~~(12) A new golf course may be established in this zone, Section 3.567(4), except on high value farmland.~~
- ~~(13) Home occupations on high value farmland in this zone, Section 3.566(2), Section S3.462 may be authorized if they are operated substantially in the dwelling or other buildings~~

normally associated with uses permitted in this zone.

- ~~(14) — A facility for the primary processing of forest products approved under Section 3.567(5) of this zone shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period which is renewable and is intended to be only portable or temporary in nature. 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 methods 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 tract where the primary processing facility is located.~~
- ~~(15) — A personal-use airport approved under Section 3.567(6) of this zone.~~
- ~~(16) — A site for the disposal of solid waste approved under Section 3.567(7) of this zone is subject to the following standards:~~
- ~~(A) The site must be approved by the governing body of a city or county or both;~~
 - ~~(B) The site must be permitted under ORS 459.245 by the Department of Environmental Quality;~~
 - ~~(C) On high-value farmland, an existing facility may be maintained, enhanced or expanded, but no new facilities may be developed. In the EFU zone, new solid waste disposal sites may only be approved on land which is not high-value farmland.~~
- ~~(17) — Uses subject to this standard 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 4; or on high-value farmlands. Existing facilities wholly within the EFU zone may be maintained, enhanced or expanded subject to other applicable requirements.~~
- ~~(18)~~
- ~~(A) Pursuant to Section 3.567(8) of this zone, a commercial utility facility for the purpose of generating power for public use by sale located on high-value farmland shall not preclude more than 12 acres from a use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.~~
 - ~~(B) A commercial utility facility for the purpose of generating power for public use by sale located on land that is not high-value farmland shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.~~
 - ~~(C) For purposes of subsections (1) and (2), a commercial agricultural enterprise consists of farm operations that will:
 - ~~1) Contribute in a substantial way to the area's existing agricultural economy;~~
 - ~~2) Help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.~~~~
- ~~(19) — To qualify for the farm help dwelling under Section 3.566(4) of this zone, a dwelling shall be occupied by persons whose assistance in the management and 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.~~

~~(20) — Location of seasonal farm worker housing approved under Section 3.564(14) of this zone; siting standards.~~

~~(A) The availability of decent, safe and sanitary housing opportunities for seasonal farm workers is a matter of statewide concern.~~

~~(B) When a need has been shown for seasonal farm worker housing within the rural area of a county, needed housing shall be permitted in a zone or zones with sufficient buildable land to satisfy that need. The County shall consider rural centers and areas committed to non-resource uses in accommodating the identified need.~~

~~(C) Subsection (2) of this section shall not be construed as an infringement on a local government's prerogative to:~~

~~1) Set approval standards under which seasonal farm worker housing is permitted outright;~~

~~2) Improve special conditions upon approval of a specific development proposal;~~
~~or~~

~~3) Establish approval procedures.~~

~~(D) Any approval standards, special conditions and procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.~~

~~(21) — Mining in Exclusive Farm Use zone; land use permit.~~

~~(A) For purposes of Section 3.567(13), a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. The County may set standards for a lower volume or smaller surface area than that set forth in this subsection.~~

~~(B) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged Comprehensive Plan.~~

~~(22) — High value farmland is a tract composed predominantly of soils that are:~~

~~(A) Irrigated and classified prime, unique, Class I or II; or
Not irrigated and classified prime, unique, Class I or II.~~

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

~~(C) In addition to that land described in subsection (a) of this section, high value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV of composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:~~

~~1) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda,
Quillayette and Winema;~~

~~2) Subclassification IIIw, specifically, Brennar and Chitwood;~~

- ~~3) Subclassification I'VE, specifically, Astoria, Hembre, Meda, Neskowin and Winema; and~~
 - ~~4) Subclassification IVw, specially, Coquille.~~
- ~~(D) In addition to that land described in subsection (a) of this section, high value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in subsection (a) of this section and the following soils:~~
- ~~1) Subclassification IIIw, specifically, Ettersburg silt loam and Croftland silt loam;~~
 - ~~2) Subclassification IIIe, specifically, Klooqueth silty clay loam and Winchuck silt loam; and~~
 - ~~3) Subclassification IVw, specifically, Huffling silty clay loam.~~
- ~~(E) The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if:~~
- ~~1) The property owner submits a statement of agreement from the Natural Resource Conservation Service (NRCS) that the soil class, soil rating or other soil designation should be adjusted based on new information; or~~
 - ~~2) The property owner submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and the property owner submits a statement from the State Department of Agriculture that the Director of Agriculture or the Director's designee has reviewed the report described in this paragraph and finds the analysis to be soundly and scientifically based.~~
 - ~~3) Soil classes, soil ratings or other soil designations used in or made pursuant to this definition are those of the NCRS in its most recent publication for that class, rating or designation before November 4, 1993.~~
 - ~~4) For purposes of subsection, "irrigated" means watered by an artificial or controlled means, such as sprinklers, furrows, ditches or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider.~~

Section 3.574. Prohibited Uses.

It shall be unlawful to erect, structurally alter, enlarge, maintain or establish in an EFU zone any building, use or occupancy not permitted or allowed in the foregoing provisions of this zone, excepting non-conforming uses which may continue as provided in Section 5.600-5.620. Subdivisions not consistent with the purpose and intent of this zone are prohibited in an EFU zone.

Section 3.576. State and Federal Permits.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

SECTION 3.510. AGRICULTURE-FORESTRY ZONE (AF).

Section 3.514. Development and Use Permitted.

The following developments and uses and their accessory developments and uses are permitted under a Type I procedure subject to applicable development standards.

- (10) Alteration, restoration or replacement of a lawfully established dwelling pursuant to Clatsop County Standards Document Section 3.514 for farm uses and Section 3.521(4) for forestry uses Section 3.522(7).

- (18) 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, subject to S3.508(1) and S3.509. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to S3.508(3).

- (21) Farm stand subject to ~~the standards in Section 3.522(8)~~S3.503(2).
- (22) 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).
- (23) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County's inventory as historic property or on the National Register of Historic Places.
- (24) Accessory farm dwellings for Sseasonal farm worker housing.
- (25) Utility facilities necessary for public service, including Communication Facilities subject to the standards in Sections S3.509 and S4.700, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- (26) A winery subject to the standards in Section S3.5135.
- (27) Those uses not listed above that are permitted in Section 3.562 of the Exclusive Farm Use (EFU) Zone and Section 3.553 of the Forest-80 Zone (F-80), subject to the applicable development standards, conditions and review described therein. Dwellings permitted in Section 3.562 of the EFU Zone and Section 3.553 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993.

Section 3.518. Conditional Development and Use.

The following developments and uses and their accessory uses may be permitted under a Type II procedure and Sections 5.000 to 5.030, subject to applicable criteria, development standards and site plan review.

- (18) Those uses not listed above that are permitted in Section 3.563 of the Exclusive Farm Use (EFU) Zone and Section 3.554 of the Forest-80 Zone (F-80), subject to the applicable development standards, conditions and review described therein. Dwellings permitted in Section 3.563 of the EFU Zone and Section 3.554 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993.

Section 3.519. Conditional Development and Use.

The following forest and non-forest developments and uses and their accessory uses may be permitted under a Type IIA procedure and Sections 5.010 to 5.025, and subject to applicable criteria, development standards and site plan review.

- (27) Those uses not listed above that are permitted in Section 3.564 of the Exclusive Farm Use (EFU) Zone and Section 3.555 of the F-80 Zone are subject to the applicable development standards, conditions and review described therein. Dwellings and residential developments and uses permitted in Section 3.564 of the EFU Zone and Section 3.555 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on whether farm or forest was the predominant use of the subject tract on January 1, 1993.

Section 3.522. Development and Use Standards.

The following standards are applicable to permitted and conditional development in the zone:

- (1) Lot size:
 - (A) Minimum for division of land: 80 acres.
- (2) Land divisions are subject to the criteria in OAR 660-006-0055 either Section 3.565 of the EFU Zone or Section 3.557 of the F-80 Zone, based on whether the division is to facilitate farm or forest use.
- (3) Setbacks for buildings:
 - (A) Front yard: 30 feet.
 - (B) Side and rear yard: 20 feet.
 - (C) Setbacks in wetland areas shall be in accordance with Section S4.500.
- (4) Maximum building height: 45 feet.
- (5) Dwellings and structures in the AF Zone are subject to the F-80 siting standards in S3.526 and the fire siting standards in S3.527.
- (6) Setback for surface and subsurface mining operations: 500 feet from adjacent residences and adjacent residential lands.
- (7) Uses in this zone which are in either a Major or Peripheral Big Game Range, as shown on the map in the County's Comprehensive Plan, are subject to the standards in Section S3.517. A copy of each application for a conditional use shall be sent to the Oregon Department of Fish and Wildlife for their comments on the proposed use's potential adverse impacts on Big Game Range and their recommendations for minimizing any adverse impacts. It shall be assumed that the Department of Fish and Wildlife finds the

- proposed use consistent with the protection of Big Game Range if no comment is received within 7 working days of the date of the notice.
- (8) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.
 - (9) A lawfully established dwelling may be altered, restored or replaced pursuant to Section 3.514(10) only if the dwelling:
 - (D) Has intact exterior walls and roof structures;
 - (E) Has indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (F) Has interior wiring for interior lights;
 - (G) Has a heating system; and
 - (H) In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.
 - ~~(9) Farm stands may be approved in this zone under Section 3.514(21) subject to the following standards:
 - ~~(I) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and~~
 - ~~(J) 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.~~~~
 - (10) A dwelling may be approved as a conditional use (Type II) under Sections 3.518(12) or 3.518(13) of this zone subject to the following approval criteria and standards:
 - (A) The County shall require as a condition of approval of a single family dwelling 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 injuring from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

SECTION 3.550. FOREST-80 ZONE (F-80).

Section 3.551. Purpose.

The purpose of the F-80 zone is to conserve forest lands by maintaining the County's forest land base; to protect the County's forest economy by making possible economically efficient forest practices that assure the continuous growth and harvest of forest tree species as the leading use of forest land consistent with sound management of soil, air, water, fish and wildlife resources, and scenic resources; and to provide for public and private recreational opportunities and agriculture. The purpose of the Forest (F-80) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The F-80 zone has been applied to lands designated as Forest 80 in the Comprehensive Plan. The provisions of the F-80 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

Section 3.552. State Forestry-Regulated Uses.

The following uses and activities are permitted subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules:

- (1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash. A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species. (Section S3.509(3))
- (2) Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
- (3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

Section 3.553. Development and Use Permitted.

The following uses and activities and their accessory uses may be permitted under a Type I procedure subject to applicable development standards:

- ~~(1) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. Auxiliary means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on-site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded. A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species.~~
- (2) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

- ~~(3) — Uses to conserve soil, air and water quality and to provide for fish and wildlife resources.~~
- ~~(4) — Local distribution lines (e.g. electrical, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, meter cabinets, terminal boxes, pedestals), or other equipment which provides service hookups, including water service hookups.~~
- ~~(5) — Temporary portable facility for the primary processing of forest products. “Forest products” means timber grown upon a tract where the primary processing facility is located.~~
- ~~(6) — Exploration for mineral and aggregate resources.~~
- ~~(7) — Private hunting or fishing operations without lodging accommodations.~~
- ~~(8) — Towers and fire stations for forest fire protection.~~
- ~~(9) — Widening of roads within existing rights of way in conformance with the Transportation Element of the Comprehensive Plan, including the following public road and highway projects:

 - ~~(A) Climbing and passing lanes within the right of way existing as of July 1, 1987.~~
 - ~~(B) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new land parcels result.~~
 - ~~(C) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~
 - ~~(D) Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weight stations and rest areas within right of way existing as of July 1, 1987, and contiguous publicly owned property used to support the operation and maintenance of public roads and highways.~~~~
- ~~(10) — Uninhabitable structures accessory to fish or wildlife enhancement.~~
- ~~(11) — Temporary forest labor camps.~~
- ~~(12) — Alteration, restoration or replacement of a lawfully established dwelling that:

 - ~~(A) Has intact exterior walls and roof structures;~~
 - ~~(B) Has indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
 - ~~(C) Has interior wiring for interior lights;~~
 - ~~(D) Has a heating system; and~~
 - ~~(E) In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.~~~~
- ~~(13) — Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head, subject to Section S4.311 and S4.312.~~
- ~~(14) — Communication facilities subject to the standards in Section S3.509 and S4.700.~~
 - ~~(1) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.~~
 - ~~(2) Farm use as defined in ORS 215.203.~~
 - ~~(3) Local distribution 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.~~
 - ~~(4) Temporary portable facility for the primary processing of forest products.~~
 - ~~(5) Climbing and passing lanes within the right of way existing as of July 1, 1987.~~

- (6) 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.
- (7) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- (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.
- (9) Exploration for mineral and aggregate resources as defined in ORS chapter 517.
- (10) Private hunting and fishing operations without any lodging accommodations.
- (11) Towers and fire stations for forest fire protection.
- (12) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- (13) Uninhabitable structures accessory to fish and wildlife enhancement.
- (14) Temporary forest labor camps.
- (15) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- (16) An outdoor mass gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735.
- (17) An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.
- (18) Alteration, restoration or replacement of a lawfully established dwelling subject to S3.521(4) and S3.521(6)
- (19) Maintenance or in-kind replacement of water intake facilities, related treatment facilities, pumping stations, and distribution lines in existing utility rights-of-ways subject to S3.525.
- (20) Replacement of existing fire stations, on the same lot or parcel, for rural fire protection subject to S3.525.

Section 3.554. Conditional Development and Use.

The following uses and activities and their accessory uses may be permitted under a Type II procedure and Section 5.000 to 5.030, subject to applicable criteria, development standards and site plan review.

- (1) ~~Farm use.~~
- (2) ~~Aids to navigation or aviation subject to the standards in S3.509.~~
- (3) ~~Water intake facilities, related treatment facilities, pumping stations, and distribution lines subject to the standards in Section S3.509.~~
- (4) ~~Reservoirs and water impoundments subject to the standards in Section S3.509.~~
- (5) ~~New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210, subject to the standards in Section S3.509. New distribution lines (e.g. gas, oil, geothermal) with rights-of-way 50 feet or less in width subject to the standards in Section S3.509.~~

- ~~(6) Home occupations not related to auto/machinery repair or painting subject to the standards in Section S3.509 and S3.460.~~
- ~~(7) Forest management research and experimentation facilities subject to the standards in Section S3.509:
 - ~~(A) where accessory to forest operations; or~~
 - ~~(B) conducted by the Oregon State Board of Higher Education.~~~~
- ~~(8) The following residences may be approved on land that was predominantly in forest use on January 1, 1993:
 - ~~(A) A “small tract/poor soils” dwelling may be allowed subject to the approval criteria and conditions in Section S3.511, S3.512 and S6.000.~~
 - ~~(B) If a dwelling is not allowed pursuant to subsection (a) of this section, a “large tract” dwelling may be allowed subject to the approval criteria and conditions in Section S3.512, S6.000 and S3.514.~~
 - ~~(C) A single family dwelling may be allowed subject to the “template test” described in Section S3.515, and subject to the approval criteria and conditions in Section S3.512, S6.000, and S3.515.~~~~
- ~~(9) Cemetery subject to the standards in Section S3.509.~~
- ~~(10) Health hardship dwelling, subject to the standards in Sections S3.025 and S3.509.~~
- ~~(11) Bed and breakfast establishment subject to the standards in Section S3.464 S3.468 and Section S3.509.~~
- ~~(12) Communication facilities subject to the standards in Section S3.509 and S4.700.~~
- ~~(13) Forest Management Facility~~
- ~~(14) Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones, if:
 - ~~(A) Areas within an urban growth boundary cannot reasonably accommodate the structures;~~
 - ~~(B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by DOGAMI or the local jurisdiction;~~
 - ~~(C) Sites where the structures could be co-located with an existing use approved under this section are given preference for consideration;~~
 - ~~(D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;~~
 - ~~(E) The structures are managed by a city or county government for the single purpose of providing for the temporary emergency support needs of the public; and~~
 - ~~(F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.~~~~
- (1) A large tract forest dwelling subject to S3.521(1) and S3.521(6).
- (2) An ownership of record dwelling subject to S3.521(2) and S3.521(6).
- (3) A template dwelling subject to S3.521(3) and S3.521(6).
- (4) A 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 subject to S3.521(45), (6) and S3.525.
- (5) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations, subject to S3.525.

- (6) Parking of up to seven dump trucks and seven trailers, subject to S3.525.
- (7) Television, microwave and radio communication facilities and transmission towers up to 200 feet above average grade, subject to S3.525.
- (8) Water intake facilities, related treatment facilities, pumping stations, and distribution lines subject to S3.525.
- (9) Reservoirs and water impoundments subject to S3.525.
- (10) Aids to navigation and aviation subject to S3.525.
- (11) Cemeteries subject to S3.525.
- (12) Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones subject to S3.524(1) and S3.525.
- (13) Youth camps subject to S3.5287.
- (14) Forest management facility related to and in support of forest operations.

Section 3.555. Conditional Development and Use.

The following forest and non-forest developments and uses and their accessory developments and uses may be permitted under a Type IIA procedure and Sections 5.000-5.030, subject to applicable criteria, development standards and site plan review.

- ~~(1) — Water intake facilities, canals and distribution lines for farm irrigation or ponds.~~
- ~~(2) — Caretaker residences for public parks and fish hatcheries.~~
- ~~(3) — A facility for the primary processing of forest products subject to the standards in Section S3.509.~~
- ~~(4) — Permanent logging equipment repair and storage subject to the standards in Section S3.509.~~
- ~~(5) — Log sealing and weigh stations subject to the standards in Section S3.509.~~
- ~~(6) — Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation, subject to the standards in Section S3.509.~~
- ~~(7) — Parks and campgrounds subject to the standards in Section S3.509.~~
- ~~(8) — Mining or processing of oil, gas, or other subsurface resources, not otherwise permitted under Section 3.553(6) of this zone, subject to the standards in Section S3.509; and mining and processing or aggregate and mineral resources not otherwise permitted under Section 3.553(13), subject to the standards in Section S3.509.~~
- ~~(9) — Communication facilities and transmission towers, subject to the standards in Section S3.509 and S4.700.~~
- ~~(10) — Fire stations for rural fire protection subject to the standards in Section S3.509.~~
- ~~(11) — Utility facilities for the purpose of generating power subject to the standards in Section S3.509. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.~~
- ~~(12) — Firearms training facility subject to the standards in Section S3.509.~~
- ~~(13) — Private seasonal accommodations for fee hunting subject to the standards in Section S3.509 and the following requirements:
 - ~~(A) Accommodations are limited to no more than 15 guest rooms;~~
 - ~~(B) Only minor incidental and accessory retail sales are permitted;~~
 - ~~(C) 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

- ~~(D) The County may impose other appropriate conditions.~~
- ~~(14) Temporary asphalt or concrete batch plants as accessory uses to specific highway projects subject to the standards in Section S3.509.~~
- ~~(15) Any of the following public road and highway projects subject to the Standards in Section S3.509:~~
- ~~(A) Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.~~
- ~~(B) 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.~~
- ~~(C) 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.~~
- ~~(D) Roads, highways and other transportation facilities and improvements not allowed elsewhere in this zone may be established, subject to adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply.~~
- ~~(16) Private accommodations for fishing subject to the standards in Section S3.509 and the following standards:~~
- ~~(A) Accommodations limited to no more than 15 guest rooms;~~
- ~~(B) Only minor incidental and accessory retail sales are permitted;~~
- ~~(C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;~~
- ~~(D) Accommodations must be located within 1/4 mile of fish bearing Class I waters; and~~
- ~~(E) The County may impose other appropriate conditions.~~
- (1) Log scaling and weigh stations, subject to S3.525.
- (2) Home occupations subject to S3.522(1) and S3.525.
- (3) Permanent facility for the primary processing of forest products subject to S3.522(2) and S3.525.
- (4) Permanent logging equipment repair and storage subject to S3.525.
- (5) Private seasonal accommodations for fee hunting operations subject to S3.522(3) and S3.525.
- (6) Private accommodations for fishing occupied on a temporary basis may be allowed subject to S3.522(4) and S3.525.
- (7) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 3.553(815) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517, subject to S3.525.
- (8) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects subject to S3.525.
- (9) Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065 and S3.525.
- (10) Expansion of existing airports subject to S3.525.
- (11) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic

- cable) with rights-of-way 50 feet or less in width, subject to S3.525.
- (12) Commercial utility facilities for the purpose of generating power subject to S3.523(1) and S3.525.
 - (13) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and subject to S3.523(2) and S3.525.
 - (14) Firearms training facility as provided in ORS 197.770(2) and subject to S3.525.
 - (15) Fire stations for rural fire protection subject to S3.525.
 - (16) Caretaker residences for public parks and public fish hatcheries subject to S3.521(6).
 - (17) Destination resorts, subject to ORS 197.435 to 197.467 and Goal 8.
 - (18) Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.
 - (19) Public parks subject to S3.524(2) and S3.525.
 - (20) Private parks and campgrounds subject to S3.524(3) and S3.525.
 - (21) Television, microwave and radio communication facilities and transmission towers higher than 200 feet above average grade, subject to S3.525.

Section 3.557. Development and Use Standards:

The following standards are applicable to permitted and conditional development in the zone:

- ~~(1) — The minimum lot size for land divisions other than those described under subsections below, is 80 acres.~~
- ~~(2) — Land divisions resulting in parcels smaller than 80 acres may be approved for the following uses provided that such uses have been approved subject to the standards in Section S3.509, and the resulting parcels are the minimum size necessary for the use:
 - ~~(A) Exploration for and production of geothermal resources, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. (Section S3.512 and S4.311).~~
 - ~~(B) A facility for the primary processing of forest products subject to the standards in Section S3.509.~~
 - ~~(C) Permanent logging equipment repair and storage subject to the standards in Section S3.509.~~
 - ~~(D) Log sealing and weigh station subject to the standards in Section S3.509.~~
 - ~~(E) Disposal of solid waste approved by the governing body of a city or a county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation, subject to the standards in Section S3.509.~~
 - ~~(F) Parks and campgrounds subject to the standards in Section S3.509.~~
 - ~~(G) Mining or processing of oil, gas, mineral, aggregate or other subsurface resources not otherwise permitted under Section 3.553(6) of this zone, subject to the standards in Section S3.509; and mining and processing of aggregate and mineral resources not otherwise permitted under Section 3.553(13), subject to the standards in Section S3.509.~~~~

- ~~(H) Communication facilities and transmission towers subject to the standards in Section S3.509.~~
- ~~(I) Fire stations for rural fire protection subject to the standards in Section S3.509.~~
- ~~(J) Utility facilities for the purpose of generating power, subject to the standards in Section S3.509. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.~~
- ~~(K) Aids to navigation or aviation subject to the standards in Section S3.509.~~
- ~~(L) Water intake facilities, related treatment facilities, pumping stations and distribution lines subject to the standards in Section S3.509.~~
- ~~(M) Reservoirs and water impoundments subject to the standards in Section S3.509.~~
- ~~(N) Firearms training facility subject to standards in Section S3.509.~~
- ~~(O) Cemetery subject to the standards in Section S3.509.~~
- ~~(3) Minimum setbacks for dwellings:
 - ~~(A) Front yard: 30 feet.~~
 - ~~(B) Side and rear yard: 30 feet.~~
 - ~~(C) Setbacks in wetland areas shall be in accordance with Section S4.500. These are minimum setbacks. Actual setbacks for dwellings will be based on the forest management plan, and may exceed these minimums.~~~~
- ~~(4) Maximum building height: 45 feet.~~
- ~~(5) Setback for surface and subsurface mining operations: 1,000 feet from adjacent residences and residential lands.~~
- ~~(6) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.~~
- ~~(7) All roads, bridges and driveways providing access to structures in the F-80 zone must meet the design standards in Section S6.000.~~
- ~~(8) Mining or processing of rock permitted under Section 3.553(13) of this zone is permitted subject to the following restrictions:
 - ~~(A) No more than 50,000 cubic yards of material may be removed during a three year period from a single quarry;~~
 - ~~(B) A minimum distance of 2,500 feet between the quarry/processing operation and any school, church or residence must be maintained;~~
 - ~~(C) The quarry/processing operation must not be visible from a public road;~~
 - ~~(D) Measures recommended by the Oregon Department of Fish and Wildlife to protect aquatic habitat must be followed;~~
 - ~~(E) There must be no conflict between the quarry/processing operation and any Goal 5 resources; and~~
 - ~~(F) Applicable state requirements must be met.~~~~

Section 3.556. Development Standards.

All dwellings and structures approved pursuant to Section 3.550 shall be sited in accordance with this Section.

- (1) Lot Size Standards. Lot size shall be consistent with the requirements of Section 3.557.
- (2) Setbacks.
 - (A) Front Yard: All buildings or structures with the exception of fences shall be setback a minimum of 30 feet from the property line.

- (B) Side and Rear Yard: 30 feet
(3) Maximum building height: 45 feet

Section 3.557. Land Divisions.

- (1) The minimum parcel size for new forest parcels is 80 (eighty) acres.
(2) New land divisions less than the parcel size in Subsection (1) may be approved for any of the following circumstances:
(A) For the following uses, provided that such uses have been approved pursuant to Section ~~3.555~~ 3.525 and the parcel created from the division is the minimum size necessary for the use
1) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
2) Log scaling and weigh stations.
3) Permanent facility for the primary processing of forest products.
4) Permanent logging equipment repair and storage.
5) Mining and processing of oil, gas, and other subsurface resources.
6) Television, microwave, and radio communication towers.
7) Water intake facilities, related treatment facilities, pumping stations, and transmission towers.
8) Reservoirs and water impoundments.
9) Aids to navigation and aviation.
10) Firearms training facility.
11) Fire stations for rural fire protection.
12) Cemeteries.
13) Destination resorts.
14) Commercial utilities for the purpose of generating power.
15) Public parks.
16) Private parks and campgrounds.
17) Disposal sites for solid waste.
(B) For the establishment of a parcel for a dwelling existed prior to June 1, 1995, subject to the following requirements:
(1) The parcel established may 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; and
(2) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
a) Meets the minimum land division standards of the zone; or
b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
(C) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (1). Approvals shall 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 minimum area requirements of Subsection (1) in order to conduct the forest practice. Parcels created pursuant to this paragraph:

- (1) Are not eligible for siting of a new dwelling;
 - (2) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - (3) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - (4) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - a) Facilitate an exchange of lands involving a governmental agency;
 - or
 - b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (D) To allow a division of a lot or parcel zoned for forest use if:
- (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 paragraph S3.521(4)(A);
 - (3) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (4) At least one dwelling is located on each parcel created under this paragraph; and
 - (5) 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 shall be 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.
- (E) To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.
- (3) A lot or parcel may not be divided under Section 3.555(2)(D) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
 - (4) Restrictions
 - (A) An applicant for the creation of a parcel pursuant to Subsection (2)(B) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (2)(D).

- (B) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located 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.
- (5) A landowner allowed a land division under Subsection (2) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- (6) The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.
- (7) A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:
- (A) If the parcel contains a dwelling, it must be large enough to support continued residential use.
- (B) If the parcel does not contain a dwelling:
- 1) It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - 2) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and
 - 3) The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
- (C) It may not be considered in approving or denying an application for any other dwelling.

SECTION S3.500. FARM AND FOREST ZONES DWELLING AND/OR USE STANDARDS.

Section S3.508. Single Family Dwelling.

A single family dwelling may be approved as a Conditional Use under Section 3.518(13) of the AF zone subject to the following approval criteria and standards:

- (1) The County shall require as a condition of approval of a single family dwelling 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 for 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.

Section S3.509. Approval of Certain Uses.

Certain uses in the F-80, AF and EFU zones may only be approved subject to these standards:

- (1) A use proposed on agricultural land requiring compliance with this section may be approved only where the County finds that the use will not:
 - (A) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (B) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (2) A use proposed on forest land requiring compliance with this section may be approved only where the County finds that the use will not:
 - (A) Force a significant change in, or significantly increase the cost of accepted farm or forest practices on agriculture or forest lands; or
 - (B) Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks of fire suppression personnel.
- (3) An applicant for a use requiring compliance with subsection (1) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
- (4) A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules is required for the following uses:
 - (A) Parks and campgrounds;
 - (B) Reservoirs and water impoundments;
 - (C) Home occupations;
 - (D) A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative; or
 - (E) Private accommodations for fishing occupied on a temporary basis.

- (5) A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species. "Forest tree species" does not include:
- (A) Christmas trees on land use solely for the production of cultured Christmas trees as defined in ORS 215.203(3).
 - (B) Hardwood timber, including but not limited to hybrid cottonwood, which is:
 - 1) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;
 - 2) Of a species marketable as fiber for inclusion in the "furnish" for manufacturing paper products;
 - 3) Harvested on a rotation cycle within 12 years after planting; and
 - 4) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

Section S3.510. Single Family Residential Dwelling Not Provided in Conjunction With Farm Use.

A single family residential dwelling not provided in conjunction with farm use may be established under Section 3.518(13) of the AF zone upon a finding that either subsection 1 or 2 is met:

- (1)
- (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 is situated upon a lot or parcel or 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 the tract. 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. A "tract" is one or more contiguous lots or parcels in the same ownership.
 - (C) The dwelling will be sited on a lot or parcel created before January 1, 1993;
 - (D) The dwelling will not materially alter the stability of the overall land use pattern of the area; and
 - (E) The dwelling complies with such other conditions as the County considers necessary.
- (2)
- (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 is situated upon a lot or parcel or 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 the tract. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable because of size or location if it can reasonably be put to farm or forest use in conjunction with other land;
- (C) — The dwelling will be sited on a lot or parcel created after January 1, 1993, as allowed under ORS 215.263(4);
- (D) — The dwelling will not materially alter the stability of the overall land use pattern of the area; and
- (E) — The dwelling complies with such other conditions as the County considers necessary.

Section S3.511. Dwellings Subject to the “Small Tract/Poor Soils” Criteria:

Dwellings may be approved under Section 3.518(14)(A) of the AF zone and Section 3.566(6) of the EFU zone subject to the following approval criteria and conditions:

- (1) A dwelling site is on a tract composed of soil not capable of producing 5,000 cubic feet per year of commercial tree species, and located within 1,500 feet of a public road. The road shall not be a U.S. Forest Service road or Bureau of Land Management road, and shall be maintained and either paved or surfaced with rock. Commercial tree species are trees recognized under rules adopted under ORS 527.715 for commercial production. "Tract" means one or more contiguous lots or parcels in the same ownership.
- (2) When the lot or parcel on which the dwelling will be sited lies within an area designated either major or peripheral big game habitat, the siting of the dwelling shall be consistent with the limitations on density upon which the comprehensive plan and the Land and Water Development and Use Ordinance regulations intended to protect the habitat are based.
- (3) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed. "Tract" means one or more contiguous lots or parcels in the same ownership.
- (4) A dwelling authorized under this section may be allowed only if the lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (A) — Prior to January 1, 1985; or
 - (B) — By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
- (5) For purposes of subsection (4) 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.
- (6) A proposed dwelling under this section is not allowed:
 - (A) — If it is prohibited by or will not comply with the applicable requirements of the County's Land and Water Development and Use Ordinance or other provisions of law;

- ~~(B) — Unless it complies with the siting requirements of Section S3.512 and the road requirements in Section S6.000;~~
 - ~~(C) — Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (7) for the other lots or parcels that make up the tract are met;~~
 - ~~(D) — If the tract on which the dwelling will be sited includes a dwelling. "Tract" means one or more contiguous lots or parcels in the same ownership.~~
- (7)
- ~~(A) — The applicant for a dwelling authorized by these standards that requires one or more lot or parcel to meet minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" has been recorded with the County Clerk of the County or counties where the property subject to the covenants, conditions and restrictions is located;~~
 - ~~(B) — The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the County or counties where the property subject to the covenants, conditions and restrictions is located;~~
 - ~~(C) — Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the County or counties where the property subject to the covenants, conditions and restrictions is located;~~
 - ~~(D) — 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 section;~~
 - ~~(E) — The County Community Development 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 tracts which do not qualify for the siting of a dwelling under 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 Community Development Office.~~

S3.512. Siting Requirements for Dwellings and Structures in Forest and Agriculture-Forest Zones.

The following siting criteria shall apply to all new dwellings and structures in forest and agriculture/forest zones. 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. The County shall consider the criteria in this section to identify the building site:

- (1) dwellings and structures shall be sited on the parcel so that:
 - (A) — They have the least impact on nearby or adjoining forest or agricultural lands;
 - (B) — The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (C) — The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (D) — The risks associated with wildfire are minimized.

- (2) ~~Siting criteria satisfying subsection (1) of this section 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.~~
- (3) ~~The applicant shall provide evidence to the County that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:
 - (A) ~~Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or~~
 - (B) ~~A water use permit issued by the Water Resources Department for the use described in the application; or~~
 - (C) ~~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.~~~~
- (4) ~~As a condition of approval, 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 to agree to accept responsibility for road maintenance.~~
- (5) ~~Approval of a dwelling shall be subject to the following requirements:
 - (A) ~~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 Department of Forestry administrative rules. "Tract" means one or more contiguous lots or parcels in the same ownership.~~
 - (B) ~~The Community Development Department shall notify the County Assessor of the above condition at the time the dwelling is approved;~~
 - (C) ~~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. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;~~
 - (D) ~~Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the 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 pursuant to ORS 321.372.~~~~

- (6) ~~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.~~
- (7) ~~Road access to the dwelling shall meet road design standards described in S6.000.~~
- (8) ~~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 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.~~
- (9) ~~The dwelling shall have a fire retardant roof.~~
- (10) ~~The dwelling shall not be sited on a slope of greater than 40 percent.~~
- (11) ~~If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.~~

S3.513. Standards for a Winery:

- (1) ~~A winery, authorized under the AF or EFU zone is a facility that produces wine with a maximum annual production of:
 - (A) ~~Less than 50,000 gallons and that:
 - 1) ~~Owens an on-site vineyard of at least 15 acres;~~
 - 2) ~~Owens a contiguous vineyard of at least 15 acres;~~
 - 3) ~~Has a long term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or~~
 - 4) ~~Obtains grapes from any combination of subparagraph 1), 2) or 3) of this paragraph; or~~~~
 - (B) ~~At least 50,000 gallons and no more than 100,000 gallons and that:
 - 1) ~~Owens an on-site vineyard of at least 40 acres;~~
 - 2) ~~Owens a contiguous vineyard of at least 40 acres;~~
 - 3) ~~Has a long term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or~~
 - 4) ~~Obtains grapes from any combination of subparagraph 1), 2) or 3) of this paragraph.~~~~~~

- (2) The winery described in subsection (1)(A) or (B) of this section shall allow only the sale of:
 - (A) ~~Wines produced in conjunction with the winery; and~~
 - (B) ~~Items directly related to wine, the sales of which are incidental to retail sale of wine on site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.~~
- (3) ~~Prior to the issuance of a permit to establish a winery under this section, the applicant shall show that vineyards, described in subsection (1)(A) and (B) of this section, have been planted or that the contract has been executed, as applicable.~~
- (4) ~~The County shall adopt findings for each of the standards described in paragraphs (A) and (B) of this subsection. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:~~
 - (A) ~~Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and~~
 - (B) ~~Provision of direct road access, internal circulation and parking.~~
- (5) ~~The County shall also apply local criteria regarding flood plains, geologic hazards, solar access, airport safety or other regulations for resource protection acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas and natural resources. Any winery approved under this section shall not be a basis for an exception under ORS 197.732 (1)(a) or (b).~~

S3.514. Dwellings Subject to the "Large Tract" Criteria.

~~Dwellings may be approved under Section 3.518(14)(B) of the AF zone or Section 3.554(8)(B) of the F 80 zone subject to the following approval criteria and conditions:~~

- (1) ~~The tract on which the dwelling is to be located contains at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same County or adjacent counties and zoned for forest use. Contiguous means connected in such a manner as to form a single block of land. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.~~
- (2)
 - (A) ~~The applicant for a dwelling authorized by these standards that requires one or more lots or parcels to meet minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" has been recorded with the County Clerk of the County or counties where the property subject to the covenants, conditions and restrictions is located;~~
 - (B) ~~The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the County or counties where the property subject to the covenants, conditions and restrictions is located;~~
 - (C) ~~Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the County or counties where the property subject to the covenants, conditions and restrictions is located;~~

- ~~(D) — 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 section;~~
- ~~(E) — The County Community Development 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 tracts which do not qualify for the siting of a dwelling under 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 Community Development Office.~~
- (3) A proposed dwelling under this section is not allowed:
 - ~~(A) — If it is prohibited by or will not comply with the applicable requirements of the County's Land and Water Development and Use Ordinance or other provisions of law;~~
 - ~~(B) — Unless it complies with the siting requirements of Section S3.512 and the road requirements in Section S6.000;~~
 - ~~(C) — Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (2) for the other lots or parcels that make up the tract are met;~~
 - ~~(D) — If the tract on which the dwelling will be sited includes a dwelling.~~

Section S3.515. Dwellings Subject to the "Template Test" Criteria.

Dwellings may be approved under Section 3.518(14)(C) of the AF zone or Section 3.554(8)(C) of the F-80 zone subject to the following approval criteria and conditions:

- (1) A single-family dwelling may be allowed on a lot or parcel if the lot or parcel is predominantly composed of soils that are:
 - (A) — Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - ~~1) 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~~
 - ~~2) At least three dwellings existed on January 1, 1993 on the other lots or parcels.~~
 - (B) — Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - ~~1) 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~~
 - ~~2) At least three dwellings existed on January 1, 1993 on the other lots or parcels.~~
 - (C) — Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - ~~1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a acre square centered on the center of the subject tract; and~~
 - ~~2) At least three dwelling existed on January 1, 1993 on the other lots or parcels.~~

- ~~(D) — Cubic feet per acre per year means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.~~
- ~~(E) — "Tract", as it is used in this subsection, means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.~~
- ~~(2) If a tract 60 acres or larger described under subsection (1) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 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, 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 that is one mile long and 1/4 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 1/4 mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.~~
- ~~(3) If the tract under subsection (1) 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 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.~~
- ~~(4) A proposed dwelling under this section is not allowed:~~
- ~~(A) — If it is prohibited by or will not comply with the applicable requirements of the County's Land and Water Development and Use Ordinance or other provisions of law;~~
- ~~(B) — Unless it complies with the siting requirements of Section S3.512 and the road requirements in Section S6.000;~~
- ~~(C) — Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (5) for the other lots or parcels that make up the tract are met;~~
- ~~(D) — If the tract on which the dwelling will be sited includes a dwelling.~~

S3.516. Mining in EFU and AF Zones:

- ~~(1) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. The County may set standards for a lower volume or smaller surface area than that set forth in this subsection.~~
- ~~(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged Comprehensive Plan.~~

- (3) For purposes of this section, “mining” includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. “Mining” does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

S3.517. Standards for Uses in the F-80, AF and EFU Zones in Areas of Major or Peripheral Big Game Range.

- (1) To ensure that future development does not unduly conflict with Major Big Game Range, the County shall:
- (A) — Conditional uses in the AF zone may be allowed only if they are found to be consistent with the maintenance of big game range;
 - (B) — Proposed Review and Conditional Use applications shall be submitted to the Oregon Department of Fish and Wildlife for their comments on consistently with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and
 - (C) — All proposed Plan and zone changes of land zoned F-80, EFU or AF to a more intensive zone shall be submitted to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.
- (2) To ensure that future development does not unduly conflict with Peripheral Big Game Range, the County shall:
- (A) — Conditional uses in the AF zone may be allowed only if they are found to be consistent with the maintenance of big game range;
 - (B) — Proposed Review and Conditional Use applications shall be submitted to the Oregon Department of Fish and Wildlife for their comments on consistently with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and
 - (C) — All proposed Plan and zone changes of land zoned F-80, EFU or AF to a more intensive zone shall be submitted to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.

S3.518. Dwellings in Conjunction with Farm Use.

The following standards are applicable to dwellings under Section 3.566(5) in the EFU zone:

- (1) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:
- (A) — The parcel on which the dwelling will be located is at least:

- ~~1) 160 acres and not designated rangeland; or~~
- ~~2) 320 acres and designated rangeland; or~~
- ~~3) As large as the minimum parcel size if located in a zoning district with an acknowledged minimum parcel size larger than indicated in paragraph 1) or 2) of this subsection.~~
- ~~(B) — The subject tract is currently employed for farm use, as defined in the County's Land and Water Development and Use Ordinance;~~
- ~~(C) — The 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 earing for livestock, at a commercial scale;~~
- ~~(D) — Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract.~~
- (2) ~~On land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:~~
 - ~~(A) — The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and~~
 - ~~(B) — The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (A) of this section; and~~
 - ~~(C) — The subject tract is currently employed for a farm use, as defined in the County Land and Water Development and Use Ordinance, at a level capable of producing the annual gross sales required in subsection (B) of this section; and~~
 - ~~(D) — The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and~~
 - ~~(E) — Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract; and~~
 - ~~(F) — If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (C) of this section.~~
- (3) ~~In order to identify the commercial farm or ranch tracts to be used in Section (2) of this rule, the gross sales capability of each tract in the study area including the subject tract must be determined, using the gross sales figures provided by the Oregon Land Conservation and Development Commission (LCDC) pursuant to Section (4) of this rule as follows:~~
 - ~~(A) — Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;~~
 - ~~(B) — Determine for each tract in the study area the number of acres in every land classification from the County Assessor's data;~~
 - ~~(C) — Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by LCDC pursuant to Section (4) of this rule. Add these to obtain the potential earning capability for each tract;~~
 - ~~(D) — Identify those tracts capable of grossing at least \$10,000 based on the data generated in subsection (3)(C) of this rule;~~

- ~~(E) — Determine the median size and median gross sales capability for those tracts capable of generating at least \$10,000 in annual gross sales to use in subsections (2)(A) and (B) of this rule.~~
- (4) LCDC shall annually provide the County with a table of the estimated potential gross sales per acre for each Assessor land class (irrigated and non irrigated) required in Section (3) of this rule.
- (5) On land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - ~~(A) — The subject tract is currently employed for the farm use, as defined in the County's Land and Water Development and Use Ordinance, that produced in the last two years or three of the last five years the lower of the following:
 - ~~1) At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products; or~~
 - ~~2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and~~~~
 - ~~(B) — Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract; and~~
 - ~~(C) — The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (A) of this section;~~
 - ~~(D) — In determining the gross income required by subsection (A) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.~~
- (6) On land identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - ~~(A) — The subject tract is currently employed for the farm use, as defined in the County's Land and Water Development and Use Ordinance, that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or 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; and~~
 - ~~(B) — Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract; and~~
 - ~~(C) — The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (A) of this section;~~
 - ~~(D) — In determining the gross income required by subsection (A) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.~~

Section S3.519. Non Farm Dwelling Permitted Under Section 3.566(7)

A non farm dwelling may be permitted under Section 3.566(7) of the EFU zone if the following standards are met:

- (1)
 - ~~(A) — The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - ~~1) Prior to January 1, 1985; or~~~~

- ~~2) By devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.~~
- ~~(B) The tract on which the dwelling will be sited does not include a dwelling;~~
- ~~(C) 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;~~
- ~~(D) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(C) and (D) of this section;~~
- ~~(E) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.~~
- (2) 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;
- (3) Notwithstanding the requirements of paragraph (3)(a)(D) of this rule, a single-family dwelling may be sited on high-value farmland if:
 - ~~(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;~~
 - ~~(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-33-020(8)(a); and~~
 - ~~(C) The County determines that:
 - ~~1) 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;~~
 - ~~2) The dwelling will comply with the provisions of ORS 215.296(1);~~
 - ~~3) The dwelling will not materially alter the stability of the overall land use pattern in the area.~~~~
 - ~~(D) Notice shall be provided to the State Department of Agriculture for all applications for dwellings allowed under this section. Notice shall be provided in accordance with the County's applicable regulations, but shall be mailed at least 20 days prior to any public hearing.~~
- (4) Notwithstanding the requirements of paragraph (3)(a)(D) of this rule, a single-family dwelling may be sited on high-value farmland if:
 - ~~(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;~~
 - ~~(B) The tract on which the dwelling will be sited is:
 - ~~1) Identified in OAR 660-33-020(8)(e) or (d); and~~
 - ~~2) Not high-value farmland defined in OAR 660-33-020(8)(a); and~~
 - ~~3) Twenty-one acres or less in size.~~~~
 - ~~(C)
 - ~~1) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or~~~~

- ~~2) The tract is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.~~
- (5) ~~If land is in a zone that allows both farm and forest uses and is acknowledged to be in compliance with both Goals 3 and 4, a County may apply the standards for siting a dwelling under either Section (3) of this rule or OAR 660-06-027, as appropriate for the predominant use of the tract on January 1, 1993;~~
- (6) ~~A County may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under Section (3) of this rule in any area where the County determines that approval of the dwelling would:~~
- ~~(A) Exceed the facilities and service capabilities of the area;~~
- ~~(B) Materially alter the stability of the overall land use pattern of the area; or~~
- ~~(C) 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.~~
- (7) ~~For purposes of subsection (3)(a) of this rule, "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, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;~~
- (8) ~~The County Assessor shall be notified that the governing body intends to allow the dwelling.~~
- (9) ~~When the County approves an application for a single family dwelling under this section, the application may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.~~

Section S3.520. Non Farm Dwellings Permitted Under Section 3.566(8)

~~Certain non farm dwellings may be permitted under Section 3.566(8) of the EFU zone subject to the following standards:~~

- (1) ~~The County must make findings that:~~
- ~~(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 is situated upon a lot or parcel, or 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 the tract. 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. 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. a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably~~

ORDINANCE 18-02
EXHIBIT B

by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable". a lot or parcel is presumed to be suitable if it is composed predominantly of Class I—IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. 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 it is composed predominantly of soils capable of producing 50 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. In determining whether a proposed non farm dwelling will alter the stability of the land use pattern in the area, a County shall consider the cumulative impact of non farm dwellings on other lots or parcels in the area similarly situated. If the application involves the creation of a new parcel for the nonfarm dwelling, a County shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area; and~~
 - (D) ~~The dwelling complies with such other conditions the County considers necessary.~~
 - (E) ~~Cubic feet per acre per year, as the phrase is used in subsection (B) of this section, means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.~~
- (2) ~~If a single family dwelling is established on a lot or parcel as set forth in Section (3) of this rule or OAR 660-06-027, no additional dwelling may later be sited under the provisions of Section (4) of this rule.~~

SECTION S3.500. FARM ZONE STANDARDS.

Section S3.501. Farm, Forest and Natural Resource Uses.

- (1) A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
- (2) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LWDUO Section 1.030. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. 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 methods 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 tract where the primary processing facility is located.

Section S3.502. Residential Uses.

- (1) To qualify for a relative farm help dwelling,
 - (A) A 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. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - (B) A 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.
- (2) A temporary hardship dwelling is subject to the following:
 - (A) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - 1) The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
 - 2) The county shall review the permit authorizing such manufactured homes every two years; and
 - 3) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of

- an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
- (B) A temporary residence approved under this Section is not eligible for replacement under LWDUO Section 3.563(245). Department of Environmental Quality review and removal requirements also apply.
- (C) As used in this Section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

Section S3.503. Commercial Uses.

- (1) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
- (A) 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
- (B) 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.
- (2) A farm stand structure may be approved if:
- (A) The structures are designed and used for sale of farm crops and 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 sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
- (B) The farm stand structure 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.
- (C) As used in this Section, "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.
- (D) As used in this Subsection, "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.
- (E) As used in this Section, "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.
- (F) A farm stand structure may not be used for the sale, or to promote the sale, of marijuana products or extracts.
- (G) Farm stand structure development standards
- 1) Adequate off-street parking will be provided pursuant to provisions of the S.200 – S.208.
- 2) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
- 3) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

- 4) No farm stand structure, accessory structure or parking is permitted within the right-of-way.
- 5) Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked.
- 6) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within “vision clearance areas” at street intersections.
 - a) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.
 - b) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - c) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
- 7) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
- 8) Signs are permitted consistent with S2.300.
- (H) Permit approval is subject to compliance with the County On-site Septic Program or Department of Agriculture requirements and with the development standards of this zone.
- (3) A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to ~~S3.501(1)~~-3.508(3).
- (4) Home occupations shall be subject to the following in addition to S3.460:
 - (A) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (B) Employ on the site no more than five full-time or part-time persons at any given time;
 - (C) Be operated substantially in:
 - 1) The dwelling; or
 - 2) Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.
 - (D) Not unreasonably interfere with other uses permitted in the zone in which the property is located.
 - (E) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 3.515 and is operated in association with the winery:
 - 1) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - 2) The meals may be served at the bed and breakfast facility or at the winery.
- (5) Commercial activities in conjunction with farm use may be approved when:

- (A) The commercial activity is either exclusively or primarily a customer or supplier of farm products;
- (B) The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or
- (C) The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.

Section S3.504. Mineral, Aggregate, Oil and Gas Uses.

- (1) Facilities 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.
- (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
 - (A) A land use permit is required for mining more than one thousand (1,000) cubic yards of martial or excavation preparatory to mining of a surface area of more than one (1) acre.
 - (B) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in an acknowledged Comprehensive Plan

Section S.3.505. Transportation Uses.

- (1) A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

Section S3.506. Utility/Solid Waste Disposal Facilities.

- (1) 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 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this division is allowed. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to treatment using facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time which land application of biosolids is authorized under the license, permit or other approval.

- (2) 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:
- (A) A public right of way;
 - (B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 - (C) The property to be served by the utility.
- (3) A utility facility that is necessary for public service.
- (A) A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.
 - 1) To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - a) Technical and engineering feasibility;
 - b) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c) Lack of available urban and nonresource lands;
 - d) Availability of existing rights of way;
 - e) Public health and safety; and
 - f) Other requirements of state and federal agencies.
 - 2) Costs associated with any of the factors listed in Subsection (1) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
 - 3) The owner of a utility facility approved under Subsection (A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
 - 4) The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
 - 5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction

is complete. Off-site facilities allowed under this Subsection are subject to Subsection S3.509 Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

6) In addition to the provisions of Subsection S3.501(3)(A)1) through (4), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

~~7) The provisions of Subsection (A) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.~~

(B) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection 1) or Subsection 2) of this Subsection.

1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

b) The associated transmission line is co-located with an existing transmission line;

c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections S3.501(3)(B)3) and 4), two or more of the following criteria:

a) Technical and engineering feasibility;

b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

d) Public health and safety; or

e) Other requirements of state or federal agencies.

3) As pertains to Subsection 2), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

4) The county may consider costs associated with any of the factors listed in Subsection 2), but consideration of cost may not be the only consideration

in determining whether the associated transmission line is necessary for public service.

- (4) Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection S3.501(3).
- (A) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:
- 1) Meets the requirements of OAR 340-096-0150;
 - 2) Identifies the distance of the proposed operation to the nearest residential zone;
 - 3) Includes a complaint response protocol;
 - 4) Is submitted to the DEQ with the required permit application; and
 - 5) May be subject to annual review by the county to determine if any revisions are necessary.
- (B) Compost operations subject to Section S3.501(4)(A) include:
- 1) A new disposal site for composting that sells, or offers for sale, resulting product; or
 - 2) An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - 3) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 - 4) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- (5) Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section S3.509 and shall comply with the following requirements.
- (A) The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
- (B) The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
- (C) The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
- (D) The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
- 1) The area surrounding the facility is kept free from litter and debris.
 - 2) Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - 3) If the proposed facility is located in a forested area, construction materials

shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.

- (E) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
- (F) Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
- (G) Road construction for the facility 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.
- (H) Hours of operation for the facility shall be limited to 8 am – 7 pm.
- (I) Comply with other conditions deemed necessary.

Section S3.507. Parks/Public/Quasi-Public.

- (1) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section 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 Section, "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.
- (2) 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. 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. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.
- (3) A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- (4) Public parks may include:
 - (A) All outdoor recreation uses allowed under ORS 215.213 or 215.283.
 - (B) The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan

that is adopted by OPRD:

- 1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - 2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - 3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - 4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - 5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - 6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - 7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - 8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
- (C) Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- 1) Meeting halls not exceeding 2000 square feet of floor area;
 - 2) Dining halls (not restaurants).
- (5) Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
- (A) The Conditional Use Review Criteria in Section S3.509 are met; and
 - (B) The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
- (6) Private Campgrounds are subject to the following:
- (A) Except on a lot or parcel contiguous to a lake or reservoir, private 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 chapter 660, division 4. 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. Campgrounds 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.
- (B) 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 by Subsection (C).
- (C) 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.
- (7) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
- (A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. 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;
- (B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
- (C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of, and incidental to, the operation of the golf course and must be limited in size and orientation on the site to 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.

Section 3.508. General Standards.

- (1) Three-mile setback. For uses subject to this Subsection:
- (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 (A) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract 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 ordinance.
- (2) Single-family dwelling deeds. The landowner shall 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.
- (3) Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Section S3.509 and LWDUO Section 3.564(22).

Section 3.509. Conditional Use Review Criteria.

- (1) These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (2) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (3) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - (A) The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - (B) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - (C) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - (D) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
 - (E) The use is or can be made compatible with existing uses and other allowable uses in the area.

Section 3.510. Dwellings Customarily Provided in Conjunction with Farm Use.

- (1) Large Tract Standards. On land not identified as high-value farmland as defined in LWDUO Section 1.030, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (A) The parcel on which the dwelling will be located is at least 160 acres.
 - (B) The subject tract is currently employed for farm use.

- (C) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - (D) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
- (2) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- (A) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:
 - 1) At least \$40,000 in gross annual income from the sale of farm products; or
 - 2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
 - (B) Except 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 owned by the farm or ranch operator or on the farm or ranch operation;
 - (C) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (A); and
 - (D) In determining the gross income required by Subsection (A):
 - 1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - 2) Only gross income from land owned, not leased or rented, shall be counted; and
 - 3) Gross farm income earned from a lot or parcel 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.
- (3) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- (A) The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 - (B) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use 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 that grossed the income in Subsection (A);
 - (D) In determining the gross income required by Subsection (A):
 - 1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - 2) Only gross income from land owned, not leased or rented, shall be counted; and
 - 3) Gross farm income earned from a lot or parcel 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.

(4) Farm Capability Standards.

(A) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

- 1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;**
- 2) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection 1);**
- 3) The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in Subsection 1);**
- 4) The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;**
- 5) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;**
- 6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and**
- 7) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection 3).**
- 8) In determining the gross sales capability required by Subsection 3):**
 - a) The actual or potential cost of purchased livestock shall be deducted from the total gross sales attributed to the farm or ranch tract;**
 - b) Only actual or potential sales from land owned, not leased or rented, shall be counted; and**
 - c) actual or potential gross farm sales earned from a lot or parcel 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.**

(B) In order to identify the commercial farm or ranch tracts to be used in Subsection 1), the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c).

(5) Additional Farm Income Standards.

(A) For the purpose of Subsections (2) or (3), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

(B) Prior to the final approval for a dwelling authorized by Subsections (2) and (3) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants,

conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). 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.
- (C) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
- (6) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections (2) or (3) above, subject to the following requirements:
- (A) The subject tract will be employed as a commercial dairy as defined in Subsection (G);
 - (B) The 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 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;
 - (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:
 - 1) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - 2) A Producer License for the sale of dairy products under ORS 621.072.
 - (G) As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (2) or (3), whichever is applicable, from the sale of fluid milk.
- (7) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
- (A) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (2) or (3), whichever is applicable;
 - (B) The subject lot or parcel on which the dwelling will be located is:
 - 1) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last

- five years the gross farm income required by Subsection (2) or (3), whichever is applicable; and
- 2) At least the size of the applicable minimum lot size under LWDUO Section 3.5675;
- (C) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
- (D) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (A); and
- (E) In determining the gross income required by Subsection (A) and Subsection (B):
- 1) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
- 2) Only gross income from land owned, not leased or rented, shall be counted.
- (8) 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.

Section 3.511. Accessory Farm Dwellings.

- (1) Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
- (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;
- (B) The accessory farm dwelling will be located:
- 1) On the same lot or parcel as the primary farm dwelling;
- 2) 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;
- 3) 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 county clerk 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 reapproved under these provisions;
- 4) On any lot or parcel, 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 farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or
- 5) 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 size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and

- (C) There is no other dwelling on the 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 and that could reasonably be used as an accessory farm dwelling.
- (2) In addition to the requirements in Subsection (1), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
- (A) 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 ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
- 1) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - 2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
- (B) On land 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 ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of 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; or
- (C) It is located on a commercial dairy farm as defined in Section ~~S3.501(7)~~ 3.510(6)(g); 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;
 - 2) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - 3) A Producer License for the sale of dairy products under ORS 621.072.
- (3) No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in LWDUO Section 3.56~~57~~(1).
- (4) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to LWDUO Section 3.563(2~~23~~).

- (5) For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.
- (6) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.
- (7) No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

Section 3.512. Lot of Record Dwellings.

- (1) A lot of record dwelling may be approved on a pre-existing lot or parcel if:
 - (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 as defined in Subsection (5):
 - 1) Prior to January 1, 1985; or
 - 2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel 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) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections (3) and (4); and
 - (F) When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
- (2) 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;
- (3) Notwithstanding the requirements of Subsection S3.501(1)(E), a single-family dwelling may be sited on high-value farmland if:
 - (A) It meets the other requirements of Subsections (1) and (2);
 - (B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);
 - (C) The county determines that:
 - 1) 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.
 - a) 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 or parcel cannot be practicably managed for farm use.
- b) 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.
 - c) 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;
 - 2) The dwelling will comply with the provisions of **0 3.509**; and
 - 3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Subsection **S3.501(1) 3.513(2)**.
- (4) Notwithstanding the requirements of Subsection S3.501(1)(E), a single-family dwelling may be sited on high-value farmland if:
- (A) It meets the other requirements of Subsections (1) and (2);
 - (B) The tract on which the dwelling will be sited is:
 - 1) Identified in OAR 660-033-0020(8)(d);
 - 2) Not high-value farmland defined in **subsection 1 of the High-Value Farmland definition in LWDUO Section 1.030**; and
 - 3) Twenty-one acres or less in size; and
 - (C) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
 - (D) The tract is not a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
 - (E) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
 - 1) "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - 2) "Geographic center of the flag lot" means the point of intersection of two

- perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.
- (5) For purposes of Subsection (1), "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 a combination of these family members;
 - (6) The county assessor shall be notified that the governing body intends to allow the dwelling.
 - (7) An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.
 - (8) 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 land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

Section 3.513. Dwellings Not in Conjunction with Farm Use.

Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

- (1) 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;
 - (A) The dwelling is situated upon a new parcel, or a portion of an existing 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 the tract. A new parcel or portion of an existing 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
 - (B) A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or 4portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable." A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
 - (C) If the lot or 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 it is composed predominantly of soils capable of producing 50 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.

(2) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in (A) through (C) below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in (A) through (C) below;

(A) 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 areas. 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 nonresource uses shall not be included in the study area;

(B) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsection S3.501(1) and Section 0 3.512(1) and 3.513, 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 nonfarm dwellings under ORS 215.263(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 nonfarm dwellings under this Subsection; and

(C) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm 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 nonfarm 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 study area; and

(3) If a single-family dwelling is established on a lot or parcel as set forth in LWDUO Section 3.553(2) or 3.564(4) 3.512 or 3.521(1) through (3), no additional dwelling may

later be sited under the provisions of this Section.

Section 3.514. Alteration, Restoration or Replacement of a Lawfully-established Dwelling.

- (1) A lawfully established dwelling may be altered, restored or replaced if, 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:
- 1) Intact exterior walls and roof structure;
 - 2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3) Interior wiring for interior lights;
 - 4) A heating system; and
 - 5) 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.
- (B) Notwithstanding Subsection S3.501(1)(A)5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
- 1) The destruction (by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - 2) The applicant establishes to the satisfaction of the permitting authority 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.
- (2) For replacement of a lawfully established dwelling under LWDUO Section 3.563(24):
- (A) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
- 1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - 2) If the dwelling to be replaced is, in the discretion of the permitting authority, 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 permitting authority that is not less than 90 days after the replacement permit is issued; and
 - 3) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
- (B) The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
- (C) As a condition of approval, if 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 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

- (3) A 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.
- (A) The siting standards of Subsection (B) apply when a dwelling qualifies for replacement because the dwelling:
- 1) Formerly had the features described in Subsection S3.501(1)(A);
 - 2) Was removed from the tax roll as described in Subsection S3.501(1)(B);
or
 - 3) Had a permit that expired as described under Subsection S3.501(4)(C).
- (B) The replacement dwelling must be sited on the same lot or parcel:
- 1) 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
 - 2) 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.
- (C) Replacement dwellings that currently have the features described in Subsection S3.501(1)(A) and that have been on the tax roll as described in Subsection S3.501(1)(B) may be sited on any part of the same lot or parcel.
- (4) A replacement dwelling permit that is issued under LWDUO Section 3.563(24):
- (A) Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
- 1) Formerly had the features described in Subsection S3.501(1)(A); or
 - 2) Was removed from the tax roll as described in Subsection S3.501(1)(B);
- (B) Is not subject to the time to act limits of ORS 215.417; and
- (C) If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
- 1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
 - 2) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

Section 3.515. Wineries.

- (1) A winery may be established as a permitted use if the proposed winery will produce wine with a maximum annual production of:
- (A) Less than 50,000 gallons and the winery owner:
- 1) Owens an on-site vineyard of at least 15 acres;
 - 2) Owens a contiguous vineyard of at least 15 acres;

- 3) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
- 4) Obtains grapes from any combination of Subsection 1), 2), or 3); or
- (B) At least 50,000 gallons and the winery owner:
 - 1) Owns an on-site vineyard of at least 40 acres;
 - 2) Owns a contiguous vineyard of at least 40 acres;
 - 3) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
 - 4) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
 - 5) Obtains grapes from any combination of Subsection 1), 2), 3) or 4).
- (2) In addition to producing and distributing wine, a winery established under this Section may:
 - (A) Market and sell wine produced in conjunction with the winery.
 - (B) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - 1) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - 2) Wine club activities;
 - 3) Winemaker luncheons and dinners;
 - 4) Winery and vineyard tours;
 - 5) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - 6) Winery staff activities;
 - 7) Open house promotions of wine produced in conjunction with the winery; and
 - 8) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
 - (C) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:
 - 1) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - 2) Served in conjunction with an activity authorized by Subsection S3.501(2)(B), (D), or (E).
 - (D) Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to subsection 5.
 - (E) Host charitable activities for which the winery does not charge a facility rental fee.
- (3) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection S3.501(2)(C). Food and beverage services authorized under Subsection S3.501(2)(C) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

- (4) The gross income of the winery from the sale of incidental items or services provided pursuant to Subsection S3.501(2)(C) to (E) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this Subsection for the previous tax year.
- (5) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by Subsections S3.515(1) to (4). The requirements of the Agri-tourism permit must be met.
- (6) A winery operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
- (7) Events described in S3.501(5) are subject to the requirements of Section S3.515(8), Agri-Tourism and other Commercial Events or Activities Permit.
- (8) Prior to the issuance of a permit to establish a winery under Subsection S3.501(1), the applicant shall show that vineyards described in Subsection S3.501(1) have been planted or that the contract has been executed, as applicable.
- (9) Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
 - (A) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and
 - (B) Provision of direct road access and internal circulation.
- (10) In addition to a winery permitted in Subsections S3.501(1) to S3.501(9), a winery may be established if:
 - (A) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (B) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection S3.501(10)(A); and
 - (C) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
- (11) In addition to producing and distributing wine, a winery described in Subsection S3.501(10) may:
 - (A) Market and sell wine produced in conjunction with the winery;
 - (B) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - 1) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - 2) Wine club activities;
 - 3) Winemaker luncheons and dinners;
 - 4) Winery and vineyard tours;
 - 5) Meetings or business activities with winery suppliers, distributors,

- wholesale customers and wine-industry members;
- 6) Winery staff activities;
 - 7) Open house promotions of wine produced in conjunction with the winery;
and
 - 8) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- (C) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
- 1) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - 2) Served in conjunction with an activity authorized by Subsection S3.501(11)(B)2), 4), or 5);
- (D) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
- 1) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - 2) Are incidental to the retail sale of wine on-site; and
 - 3) Are limited to 25 days or fewer in a calendar year; and
 - 4) Host charitable activities for which the winery does not charge a facility rental fee.
- (12) Income requirements:
- (A) The gross income of the winery from the sale of incidental items pursuant to Subsection S3.501(11)(C) and services provided pursuant to Subsection S3.501(11)(D) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
 - (B) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant, that certifies compliance with Subsection (A) for the previous tax year.
- (13) A winery permitted under Subsection (10):
- (A) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
 - (B) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.
- (14) Permit requirements:
- (A) A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection S3.501(11)(D) occurring on more than 25 days in a calendar year.
 - (B) In addition to any other requirements, a local government may approve a permit application under this Subsection if the local government finds that the authorized activity:
 - 1) Complies with the standards described in Subsections S3.501(1) and (2);

- 2) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
- 3) Does not materially alter the stability of the land use pattern in the area.
- (C) If the local government issues a permit under this Subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
- (15) A person may not have a substantial ownership interest in more than one winery operating a restaurant, as permitted in Subsection (13).
- (16) Prior to the issuance of a permit to establish a winery under Subsection (10), the applicant shall show that vineyards described in Subsection (10) have been planted.
- (17) A winery operating under Subsection (10) shall provide for:
 - (A) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - (B) Direct road access and internal circulation.
- (18) A winery operating under Subsection S3.501(10) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.
- (19) As used in this Section:
 - (A) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - (B) “On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

Section 3.516. Agri-tourism and Other Commercial Events.

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

- (1) A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
 - (A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
 - (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
 - (C) The maximum attendance at the agri-tourism or other commercial event or activity does 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 not exceed 250 vehicles;
 - (E) The agri-tourism or other commercial event or activity complies with the standards described in Subsections S3.501(1) and (2);
 - (F) The agri-tourism or other commercial event or activity 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 complies with conditions

established for:

- 1) Planned hours of operation;
- 2) Access, egress and parking;
- 3) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads;
- 4) Sanitation and solid waste; and]
- 5) Must comply with the requirements in S3.515(2).

(2) In the alternative to Subsections (1) and (3), 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. 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 a 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:

- (A)** Must be incidental and subordinate to existing farm use on the tract;
- (B)** May not begin before 6 a.m. or end after 10 p.m.;
- (C)** May not involve more than 100 attendees or 50 vehicles;
- (D)** May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- (E)** 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;
- (F)** 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
- (G)** Must comply with applicable health and fire and life safety requirements.

(3) In the alternative to Subsections (1) and (2), 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 the standards described in Subsections S3.501(1) and (2);
- (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:
 - 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
 - 6) Must comply with the requirements of S3.515(8).
- (G) A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection (3), 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.
- (4) In addition to Subsections (1) to (3), the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections (1) to (3) 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 the requirements of S3.515(3)(C), (D), (E), and (F);
 - (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.
- (5) A holder of a permit authorized by a county under Subsection (4) must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:
- (A) Provide public notice and an opportunity for public comment as part of the review process; and
 - (B) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection (4).
- (6) Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.
- (7) The authorizations provided by Section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.
- (8) Conditions of Approval. Agri-tourism and other commercial events permitted under Subsections C and D-3 and 4 are subject to the following standards and criteria.:
- (A) A permit application for an agri-tourism or other commercial event or activity shall include the following:
 - 1) A description of the type of agri-tourism or commercial events or

activities that are proposed, including the number and duration of the events and activities, the anticipated daily attendance and the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.

- 2) The types and locations of all existing and proposed temporary structures, access and egress, parking facilities, sanitation and solid waste facilities to be used in connection with the agri-tourism or other commercial events or activities;
- 3) Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

(B) Approval Criteria.

- 1) The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.
- 2) No more than two agri-tourism or commercial events or activities may occur in one month.
- 3) The maximum number of people shall not exceed 500 per calendar day.
- 4) Notification of agri-tourism and other commercial events or activities.
 - a) The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed permits to County's Planning Department and a list of all property owners within 500 feet of the subject property, as notarized by a title company.
 - b) The list of calendar dates for all agri-tourism, commercial events and activities may be amended by submitting the amended list to the Department at least 72 hours prior to any change in the date of approved dates.
 - c) If notice pursuant to a) is not provided, the property owner shall provide notice by Registered Mail to the same list above at least 10 days prior to each agri-tourism and other commercial event or activity.
 - d) The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall be easily accessible and who shall remain on site at all times, including the person(s) contact information.
- 5) Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 10:00 p.m.
- 6) Overnight camping is prohibited.
- 7) Noise Control:
 - a) All noise, including the use of a sound producing device such as,

- but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
- b) A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.
- 8) Transportation Management
- a) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
- b) Driveways extending from paved roads shall have a paved apron, requiring review and approval by the County Road Department.
- c) The parcel, lot or tract must have direct access from a public road or is accessed by an access easement or private road, whereby all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.
- d) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
- e) Adequate off-street parking will be provided pursuant to provisions of the County Off-Street Parking requirements in S2.200 – S2.208.
- 9) Health and Safety Compliance
- a) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
- b) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the County Building Code Division any other applicable federal, state and local laws.
- c) Compliance with the requirements of the Building Codes Division shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

Section.3.517. Commercial Facilities for Generating Power.

(1) Commercial Power Generating Facility.

(A) Permanent features of a power generation facility shall not preclude more than:

- 1) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or**
- 2) 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS**

197.732 and OAR chapter 660, division 4.

- (B) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- (2) Wind Power Generation Facility.
- (A) For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
- 1) Temporary workforce housing described in Subsection S3.515(1)(B) must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.
 - 2) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- (B) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:
- 1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - a) Technical and engineering feasibility;
 - b) Availability of existing rights of way; and
 - c) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection 2);
 - 2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do

- not include high-value farmland soils;
- 3) Costs associated with any of the factors listed in Subsection 1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
 - 4) The owner of a wind power generation facility approved under Subsection (B) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 - 5) The criteria of Subsection (C) are satisfied.
- (C) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
- 1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 - 2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - 3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - 4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

- (D) For wind power generation facility proposals on non-arable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection S3.515(2)(C)4 are satisfied.
 - (E) In the event that a wind power generation facility is proposed on a combination of arable and non-arable lands as described in Subsections (C) and (D), the approval criteria of Subsection (C) shall apply to the entire project.
- (3) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
- (A) “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
 - (B) “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
 - (C) “Non-arable land” means land in a tract that is predominantly not cultivated and predominantly comprised of non-arable soils.
 - (D) “Non-arable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered non-arable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be non-arable based on substantial evidence in the record of a local land use application.
 - (E) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
 - (F) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

- 1) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
- 2) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
- 3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;
- 4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
- 5) The project is not located on high-value farmland soils unless it can be demonstrated that:
 - a) Non high-value farmland soils are not available on the subject tract;
 - b) Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils; and
- 6) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and

- obtained building permits within the study area, no further action is necessary.
- b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- (G) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
- 1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
- a) Non-arable soils are not available on the subject tract;
- b) Siting the project on non-arable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
- c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-arable soils;
- 2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
- 3) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
- b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the

area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches 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 study area; and

4) The requirements of Subsections S3.515(3)(F)1), 2), 3), and 4) are satisfied.

(H) For non-arable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

- 1) The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - a) Siting the project on non-arable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of non-arable soils;
- 2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
- 3) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
- 4) The requirements of Subsection S3.515(3)(F)4) are satisfied;
- 5) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and
- 6) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon

Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

- 7) The provisions of Subsection S3.515(3)(H)6) are repealed on January 1, 2022.
- (I) The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
- (J) Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

SECTION S3.520 FOREST ZONE STANDARDS.

Section 3.521 Residential Uses.

- (1) A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
 - (A) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to subsection (C) for all tracts that are used to meet the acreage requirements of this subsection.
 - (B) A tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.
 - (C) Where one or more lots or parcels are required to meet minimum acreage requirements:
 - 1) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - 2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- (2) Lot of Record Dwelling.
 - (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 as defined in paragraph (D):
 - 1) Since prior to January 1, 1985; or
 - 2) By devise or by 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) For purposes of this subsection, "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.
 - (E) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - 1) A United States Bureau of Land Management road; or
 - 2) 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.
 - (F) When the lot or parcel on which the dwelling will be sited lies within an area

designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and

- (G) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
- (3) A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
- (A) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
- 1) 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
 - 2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (B) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
- 1) 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
 - 2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (C) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
- 1) All or part of at least 11 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
 - 2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- (D) Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
- (E) A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
- (F) Except as provided by paragraph (G), if the subject tract 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 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (G) The following applies where a tract 60 acres or larger abuts a road or perennial stream.
- 1) The measurement shall be made in accordance with paragraph (F). However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - 1) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.
 - 2) 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.

(H) A proposed “template” dwelling under this ordinance is not allowed:

- 1) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
- 2) Unless it complies with the requirements of Sections S3.526 and S3.527;
- 3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph 3.521(1)(C)~~(5)~~ or 3.557(4) for the other lots or parcels that make up the tract are met; or
- 4) If the tract on which the dwelling will be sited includes a dwelling.

(I) Where other lots or parcels that make up a tract in S3.521(3)(H):

- 1) The applicant shall provide evidence that the covenants, conditions, and restrictions form adopted as “Exhibit A” in OAR Chapter 660, Division 6 has been recorded with the county clerk of the counties where the property subject to the covenants, conditions, and restrictions is located.
- 2) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located.

(4) Alteration, restoration or replacement of a lawfully established dwelling, where Subsections (A) or (B) apply:

(A) Alteration or restoration of a lawfully established dwelling that:

- 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; and
- 4) Has a heating system.

(B) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(5) A temporary hardship dwelling is subject to the following:

(A) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

- 1) The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
- 2) The county shall review the permit authorizing such manufactured homes every two years; and
- 3) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.

(B) A temporary residence approved under this section is not eligible for replacement under LWDUO Section 3.553(18). Department of Environmental Quality review and removal requirements also apply.

- (C) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
- (6) For single-family dwellings, the landowner shall 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.

Section 3.522 Commercial Uses.

- (1) A home occupation shall be subject to the requirements of S3.460 and:
- (A) Shall be operated by a resident or employee of a resident of the property on which the business is located;
- (B) Shall employ on the site no more than five full-time or part-time persons at any given time;
- (C) Shall be operated substantially in:
- 1) The dwelling; or
 - 2) Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences; and
- (D) Shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- (E) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.
- (F) 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.
- (G) All off-street parking must be provided on the subject parcel where the home occupation is operated.
- 1) Employees must use an approved off-street parking area.
 - 2) Customers visiting the home occupation must use an approved off-street parking area. No more than 5 vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.
- (H) Retail sales shall be limited or accessory to a service.
- (I) Prohibited Home Occupations
- 1) Retail sales or professional services, other than by appointment only.
 - 2) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).
- (J) Permitting.
- 1) Home occupations shall be subject to a conditional use permit process, pursuant LWDUO Section 5.000 and S3.460, unless all of the requirements of 2) can be met.
 - 2) An in-home commercial activity is not considered a home occupation and does not require a land use permit where all of the following criteria can be met. The in-home activity:
 - a) Meets the criteria under Section S3.522(5) (D) and (F).
 - b) Is conducted within a dwelling only by residents of the dwelling.

- c) Does not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
 - d) Does not serve clients or customers on-site.
 - e) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage.
 - f) Does not include the outside storage of materials, equipment or products.
- (2) A permanent facility for the primary processing of forest products may be permitted, where the facility is:
- (A) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (B) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (C) Located in a combination of indoor and outdoor areas described in Subsections (A) and (B); and
 - (D) Adequately separated from the 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.
- (3) Private seasonal accommodations for fee hunting operations are subject to the following requirements:
- (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (B) Only minor incidental and accessory retail sales are permitted; and
 - (C) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- (4) Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
- (A) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (B) Only minor incidental and accessory retail sales are permitted;
 - (C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (D) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.

Section 3.523 Utility, Power Generation, Solid Waste Uses.

- (1) A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.
- (2) Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, the requirements of Section S3.525 and shall comply with the following requirements.
 - (A) The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
 - (B) The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a

- residential zone.
- (C) The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
 - (D) The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
 - 1) The area surrounding the facility is kept free from litter and debris.
 - 2) Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - 3) If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within [30 feet] of structures.
 - (E) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
 - (F) Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
 - (G) Road construction for the facility 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.
 - (H) Hours of operation for the facility shall be limited to 8 am – 7 pm.
 - (I) Comply with other conditions deemed necessary.

Section 3.524. Public and Quasi-public Uses.

- (1) Storage structures for emergency supplies are subject to the following requirements:
 - (A) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI) or the local jurisdiction;
 - (C) Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;
 - (D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (E) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.
- (2) Public parks may include:
 - (A) All uses allowed under Statewide Planning Goal 4;
 - (B) The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - 1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp

stores;

- 2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - 3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - 4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - 5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - 6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - 7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - 8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
- (C) Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- 1) Meeting halls not exceeding 2000 square feet of floor area;
 - 2) Dining halls (not restaurants).
- (3) Private Campgrounds and Campsites.
- (A) Campgrounds in private parks may be permitted, subject to the following:
- 1) 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 chapter 660, division 4.
 - 2) 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.
 - 3) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - 4) 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.
- (B) Campsites within campgrounds meeting the requirements of Section S3.524(3)(A) and permitted pursuant to Section S3.525 must comply with the following:
- 1) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Section S3.524(B)(3).
 - 2) 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.
 - 3) 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.

Section 3.525. Conditional Use Review Criteria.

A use authorized in a forest zone by LWDUO Sections 3.554 and 3.555 may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- (1) 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.
- (2) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- (3) A written statement 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 OAR 660-006-0025 Subsection 5(c).
- (4) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - (A) The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - (B) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - (C) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - (D) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
 - (E) The use is or can be made compatible with existing uses and other allowable uses in the area.

Section 3.526. Siting Standards for Dwellings and Structures.

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section S0 to identify the building site:

- (1) Dwellings and structures shall be sited on the parcel so that:
 - (A) They have the least impact on nearby or adjoining forest or agricultural lands;

- (B) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (C) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (D) The risks associated with wildfire are minimized.
- (2) Siting criteria satisfying Subsection (1) 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.
- (3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
- (A) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (B) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (C) 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.
- (4) As a condition of approval, 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 to agree to accept responsibility for road maintenance.
- (5) Approval of a dwelling shall be subject to the following requirements:
- (A) 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 department of Forestry administrative rules;
 - (B) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (C) Stocking survey report:
 - 1) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, 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;
 - 2) 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

- (D) The county governing body or its designate 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. A governing body shall consider the criteria in this section together with the requirements of Section 3.527 to identify the building site.

Section 3.527. Fire Protection Standards for Dwellings and Structures.

The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest zone:

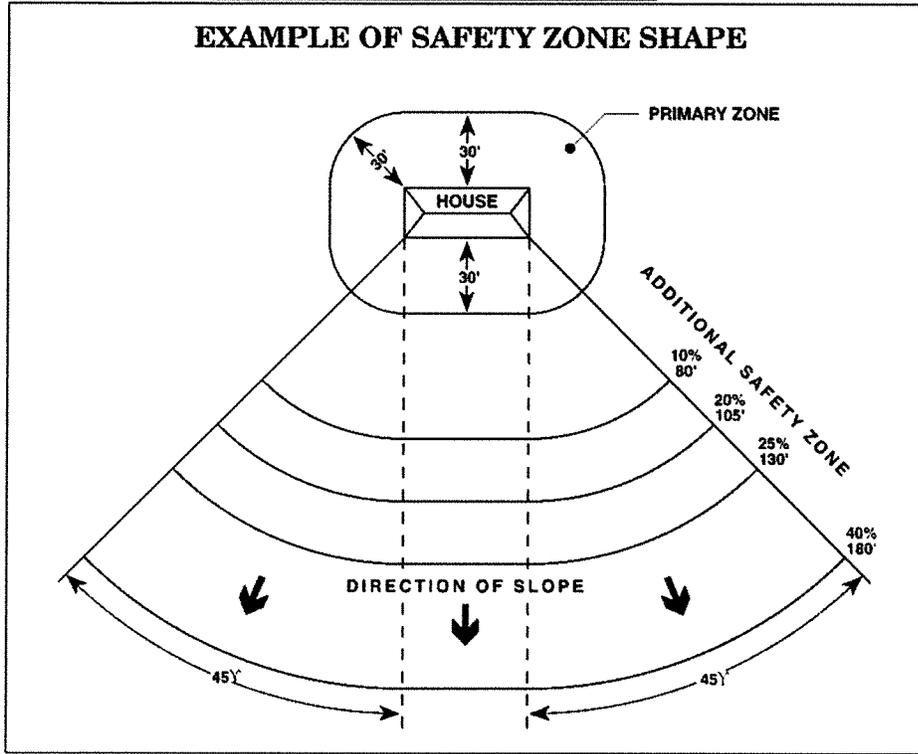
- (1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the 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 that shall comply with the following:
 - (A) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (B) 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;
 - (C) 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; and
 - (D) 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 fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- (2) Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.
- (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, published by the Oregon Department of Forestry; and shall also demonstrate compliance with Table S3.527.

TABLE S3.527. Minimum Primary Safety Zone.

<u>Slope</u>	<u>Feet of Primary Safety Zone</u>	<u>Feet of Additional Primary Safety Zone Down Slope</u>
<u>0%</u>	<u>30</u>	<u>0</u>

<u>10%</u>	<u>30</u>	<u>50</u>
<u>20%</u>	<u>30</u>	<u>75</u>
<u>25%</u>	<u>30</u>	<u>100</u>
<u>40%</u>	<u>30</u>	<u>150</u>

FIGURE S3.527. Example of Safety Zone Shape.



- (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.

Section 3.528. Youth Camps.

- (1) The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.
- (2) Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.
- (3) An application for a proposed youth camp shall comply with the following:
 - (A) The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by Section 3.528(3)(B) a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (B) The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed undersection 3.528(3)(A).

- (C) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
 - (D) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - (E) A campground as described in Section 3.555(20) shall not be established in conjunction with a youth camp.
 - (F) A youth camp shall not be allowed in conjunction with an existing golf course.
 - (G) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
- (4) The youth camp shall be located on a lawful parcel that is:
- (A) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 40 acres.
 - (B) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - 1) The proposed setback will prevent conflicts with commercial resource management practices;
 - 2) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - 3) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - (C) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.
- (5) A youth camp may provide the following facilities:
- (A) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
 - (B) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and

- shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
- (C) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
 - (D) Up to three camp activity buildings, not including primary cooking and eating facilities.
 - (E) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 - (F) Covered areas that are not fully enclosed.
 - (G) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
 - (H) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
 - (I) A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.
- (6) A proposed youth camp shall comply with the following fire safety requirements:
- (A) The fire siting standards in Section S3.527.
 - (B) A fire safety protection plan shall be developed for each youth camp that includes the following:
 - 1) Fire prevention measures;
 - 2) On site pre-suppression and suppression measures; and
 - 3) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - (C) Except as determined under paragraph (6)(BD), a youth camp's on-site fire suppression capability shall include:
 - 1) A 1000 gallon mobile water supply that can access all areas of the camp;
 - 2) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - 3) A sufficient number of fire-fighting hand tools; and
 - 4) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - (D) An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
 - (E) The provisions of paragraph (6)(CD) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
- (7) The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the

ORDINANCE 18-02
EXHIBIT B

county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator'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.