Josephine County

STAFF REPORT

JOSEPHINE COUNTY CODE TEXT AMENDMENT

(Chapter 19.11-Definitions; Chapter 19.64-Exclusive Farm and Farm Resource Zones;
Chapter 19.65-Forest Commercial and Woodlot Resource Zone)

Staff: Mark Schexnayder, Associate Planner

To: Josephine County Planning Commission

Date: May 10, 2019

Proposal: Update the Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource zones for the County. This will include “non-discretionary” amendments – to reflect state statutes and rules where the County has no authority to deviate from prescribed provisions – and “discretionary” amendments – where the County will need to decide from various options what the ordinance should provide.

Planning Commission Review: Josephine County Code (JCC) Section 19.46.020.B.1.a. states the Planning Commission shall make final decisions to amend a comprehensive plan element unless the amendment involves an exception to statewide planning goals or involves farm or forest land. The proposed amendments do involve an exception to statewide planning goals. A Planning Commission recommendation to approve or deny any code amendment is then forwarded to the Board with a recommended ordinance.

Board Review Authority: Josephine County Code (JCC) Section 19.46.020.B.2.c states the Board of Commissioners must implement amendments of the County's Comprehensive Plan by ordinance. The action to
adopt the ordinance (or not) may not be appealed at the local level.

Background:

The primary responsibility for the implementation of Statewide Planning Goals 3 & 4 (Agriculture & Forest Land), together with Oregon Revised Statue Chapter 215 and Oregon Administrative Rule Division 6 & 33, resides with each county in Oregon. All of the State of Oregon’s counties have adopted comprehensive plans and land use regulations that were acknowledged as conforming with statutory and rule requirements. Comprehensive plans include background information, maps, and policies intended to guide local land use regulations. Local land use regulations must, in turn, be consistent with local comprehensive plans and statutes and administrative rules.

As amendments are made to statutes and rules, counties must update their land use regulations for consistency with those amendments. When counties do not update their regulations, they are required instead to directly apply statutory and rule requirements. Yet, because of the complexity of state law involving Goals 3 & 4, the direct application of these changes is also a significant challenge for county planning staff and property owners.

Josephine County’s farm & forest zones have not been updated to reflect changes in state law for many years. The County is seeking to adopt new or amended chapters of its zoning ordinance so that its provisions for farm & forest zones are consistent with state law and the needs of the County.

Recommendations of Josephine County Community Development Department-Planning Division:

#1: Adopt the proposed changes to the Josephine County Code Chapter 19.11; 19.64; and 19.65 as presented.

Exhibits

A: "Memorandum of Understanding between the Oregon Department of Land Conservation and Development and Josephine County"
B: Updated "Chapter 19.11 - Definitions"

C: Updated "Chapter 19.64 - Exclusive Farm and Farm Resource Zones"

D: Updated "Chapter 19.65 - Forest Commercial and Woodlot Resource Zones"
EXHIBIT "A"

"Memorandum of Understanding between the
Oregon Department of Land Conservation and
Development and Josephine County"
Memorandum of Understanding between the 
Oregon Dept. of Land Conservation and Development 
and Josephine County 

Resource Zone Updates

This Memorandum of Understanding explains and memorializes a no-cost working relationship between the Department of Land Conservation and Development (DLCD) and Josephine County (County). The purpose of this collaboration is to update the Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource zones for the County.

Background

The primary responsibility for the implementation of Statewide Planning Goals 3 and 4 (Agricultural and Forest Land), together with ORS chapter 215 and OAR divisions 6 and 33, resides with Oregon’s 36 counties. All of the state’s counties have comprehensive plans and land use regulations that were acknowledged as conforming with statutory and rule requirements. Comprehensive plans include background information, maps, and policies intended to guide local land use regulations. Local land use regulations must, in turn, be consistent with local comprehensive plans and statutes and administrative rules.

As amendments are made to statutes and rules, counties must update their land use regulations for consistency with those amendments. When counties do not update their regulations, they are required instead to directly apply statutory and rule requirements. Yet, because of the complexity of state law involving Goals 3 and 4, the direct application of these changes is also a significant challenge for county planning staffs and property owners.

The County’s exclusive farm use and forest zones have not been updated to reflect changes in state law for many years. It seeks to adopt new or amended chapters of its zoning ordinance so that its provisions for exclusive farm use, forest, and mixed farm/forest are consistent with state law and the needs of the county.

DLCD has allocated a portion of its Technical Assistance grant funds for the 2017-2019 biennium to assist several counties in updating the exclusive farm use and forest zone chapters of their zoning ordinances (the “Multi County Code Update Project”). The Multi County Code Update Project is financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to the Angelo Planning Group (Consultant) who will assist each county as described in the Scope of Work. No grant funding is provided directly to the county.

Project Objective and Major Deliverables

The primary objective of this project is to update the Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource zones for the County. This will include “non-discretionary” amendments – to reflect state statutes and rules where the County has no authority to deviate from prescribed provisions – and “discretionary” amendments – where the County will need to decide from various options what the ordinance should provide. To accomplish this objective,

Exhibit A - 1
Consultant will assist the County in drafting amendments. The County will adopt the amended provisions into its zoning ordinance.

**Roles and Responsibilities**

**County:** Overall management of the Project will be the responsibility of the County. County will appoint a Project Manager to be the County’s principal contact person for DLCD’s Contract Administrator and the Consultant on all matters dealing with the Project.

Specific project management duties of the County will include:

a. Coordinating project schedule and deliverables with Consultant.
b. Coordinating County staff and Consultant work and reviewing and editing Consultant work;
c. Noticing, scheduling and managing public official work sessions and public hearings. Activities include preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.

**DLCD:** DLCD will provide financial, administrative, and technical assistance to the Project. Technical assistance will be provided as requested by the County or Consultant. DLCD will not participate in planning commission or county board of commissioners meetings or hearings unless requested. DLCD will review and approve Consultant’s work, billings and progress reports.

**Consultant:** Consultant will assist the County in drafting amendments and presenting a draft or drafts to a local committee, commission, or board. The Consultant will employ model zones provided by DLCD as a basis for drafting the amendments, with the understanding that the model zones are only a guide for discretionary amendments. The Consultant will deliver hearings-ready drafts of the Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource zones to the county for adoption.

**Contacts:**

**Josephine County**
Julie Schmelzer, Planning Director
700 NW Dinkmick St., Ste. C
Grants Pass, OR 97526
JSchmelzer@co.josephine.or.us
541-474-5421

**Department of Land Conservation and Development**

**Project Manager**
Tim Murphy
timothy.murphy@state.or.us
635 Capitol St. NE
Salem, OR 97301
503-934-0048

**Regional Representative**
Josh LeBombard
josh.lebombard@state.or.us
100 E. Main Street Suite A
(541) 414-7932
Medford, OR 97501

MOU – DLCD & Josephine County

Exhibit A – 2
This scope of work describes the responsibilities of all entities involved in this cooperative project.

**SCOPE OF WORK**

The Josephine County Resource Zone Update project will be composed of the following tasks. This scope of work is intended to illustrate the project in general, but specific details will be settled through discussion between the County and Consultant. Changes to deliverables do not require an amendment to this Memorandum of Understanding as long as they are acceptable to the County, DLCD, and Consultant and documented by e-mail. The timelines are guides intended as benchmarks not deadlines. All Consultant work must be completed no later than May 31, 2019.

**Task 1: Project Kick-Off**

The purpose of this task is for Consultant to become familiar with local conditions and with County’s planning documents, to confirm the objectives of the project, and to refine the project schedule, and for the County to prepare for the Project. Consultant will contact County via a conference call to ask preliminary questions to establish project expectations and familiarize itself with county-specific concerns. Consultant will verify the action items identified through this initial conference call with the participating county and will develop and share a proposed schedule for creating and reviewing the draft updated ordinance sections, public outreach and notification, work sessions, and hearings.

**Task 1 Consultant Deliverables:**
1.1 Summary of major tasks and action items for the Project
1.2 Proposed Project schedule

**Task 1 County Deliverables:**
1.1 Comments on first draft ordinance amendments provided by Consultant during the 2015-2017 Josephine County Resource Zone Update project.

**Task 1 timeline:** Task 1 is estimated to be completed by March 1, 2018

**Task 2: Draft Ordinance Amendments**

Consultant will produce a second draft of the county’s updated resource zone chapters, and other sections of the ordinance as determined through Consultant-County coordination, for local staff review. Consultant will be available to assist County at two public meetings. These meetings could be a work session with appointed and elected officials or public hearings. The meetings
attended will be established through Consultant-County coordination. Consultant will be available to assist County with outreach or presentation materials, such as a PowerPoint presentation or reviewing public notification text. One of the meetings attended by the Consultant may be during Task 3, as determined through Consultant-County coordination.

Task 2 Consultant Deliverables:
2.1 Second draft amendments to the Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource zones
2.2 Draft outreach or presentation materials, or assistance to staff with meeting materials, to assist County appointed and elected officials and the public understand options and potential outcomes of their decisions
2.3 Hearings-ready draft amendments to the Exclusive Farm, Farm Resource, Forest Commercial, and Woodlot Resource zones

Task 2 County Deliverables:
2.1 Comments on interim ordinance amendment drafts provided by Consultant

Task 2 timeline:
Consultant deliverable 2.1 will be delivered by May 31, 2018
Consultant deliverable 2.2 will be provided as needed
Consultant deliverable 2.3 will be delivered by July 31, 2018

County deliverable 2.1 will be delivered by June 30, 2018

Task 3: Ordinance Amendment Adoption
County will conduct planning commission and county board of commissioners hearings to consider adoption of the draft amendments provided by Consultant as deliverable 2.3. Notice of the hearings will be provided as required by County ordinance and state law. While the outcome of the hearings cannot be pre-determined, every reasonable effort to complete final adoption of amendments will be made.

Task 3 Consultant Deliverable:
3.1 Assistance with presentation materials for public hearings

Task 3 County Deliverables:
3.1 Planning commission hearing notice, including a Notice of Proposed Amendment ("35-day notice") as required by OAR 660-018-0020
3.2 Hearing materials, including draft amendments, staff reports, and other background documents as needed
3.3 County board of commissioners hearing notice
3.4 Notice of adoption as required by OAR 660-018-0040

Task 3 timeline: Final adoption of ordinance amendments will be complete by May 31, 2019.
OTHER CONSIDERATIONS

This agreement will be effective as of the date of the last signature. The termination of this document may occur by mutual consent of the parties with 60 days written notice.

Except as provided herein, nothing in this Memorandum of Understanding shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

County Board of Commissioners

[Signature]
Signature of Chair

[Printed Name]
Printed Name

Department of Land Conservation & Development

[Signature]
Jim Rue, Director

[Date]

Exhibit A - 5
EXHIBIT "B"

Updated "Chapter 19.11 - Definitions"
ARTICLE 11 - DEFINITIONS

11.030 - TERMS DEFINED

ACCESSORY STRUCTURE OR USE. A structure or use that is incidental, consistent with, and subordinate to the primary structure or use on the same unit of land. A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use.

AGRICULTURE, FARMING, FARM USE. The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined herein or land described in ORS 321.267(1)(c) or 321.415(5).

As used in this definition, "preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or by-products; and "products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs on other farm land provided the preparation is occurring only on land being used for the primary purposes of obtaining a profit in money from the farm use of the land.

As used in this definition, "current employment" of land for farm use includes:

A. Farmland, the operation or use of which is subject to any farm-related government program;

B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

C. Land planted in orchards or other perennials, other than land specified in subparagraph D of this paragraph, prior to maturity;

D. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;

E. Wasteland, in an exclusive farm use zone, dry or covered with water, neither
economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

F. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213(1)(y) and 215.283(1)(v);

G. Water impoundments lying in or adjacent to and in common ownership with farm use land;

H. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

I. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

J. Any land described under ORS 321.267(1)(e) or 321.415(5); and

K. Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

As used in this definition, “accepted farming practice” means 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.

As used in this definition, “cultured Christmas trees” means trees:

A. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

B. Of a marketable species;

C. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

D. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

AGRI-TOURISM. A common, farm-dependent activity that promotes agriculture, any income from
which is incidental and subordinate to a working farm. 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, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agri-tourism.

ASSOCIATED TRANSMISSION LINES. Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

BED AND BREAKFAST INN. A Bed and Breakfast Inn is an accessory use to a single-family residential dwelling, which is intended to provide temporary accommodation and breakfast to travelers for a daily fee. No meal other than breakfast shall be provided. The owner and/or operator shall live on the site. The limitations of Article 92 of this code shall not apply to a Bed and Breakfast Inns operating in a commercial zone. 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 333-170-0000(1). A bed and breakfast facility may be reviewed as either a home occupation or as a room and board operation.

BUILDING, AGRICULTURAL. A structure whose use shall be primarily for the storage of farm implements, crops, feed or similar farm products, or to provide shelter for livestock, poultry, or fowl. Any structure that is considered to be an “agricultural building” as defined in ORS 455.315 on a lot or parcel that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner 1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and 2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or rental unit.

CIDER. An alcoholic beverage made from the fermentation of the juice of apples or pears. Cider includes but is not limited to flavored cider, sparkling cider and carbonated cider.

CIDER BUSINESS. A facility used primarily for the commercial production, shipping and distribution, wholesale or retail sales, tasting, crushing, making, blending, storage, bottling, administrative functions or warehousing of cider.

COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE. The processing, packaging, treatment, and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies, and services directly related to the production and harvesting of agricultural products. Such uses include the following:

A. Storage, distribution, and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agricultural uses;

B. Farm product receiving plants, including processing, packaging, and reshipment facilities, excluding canneries;

C. Livestock feed or sales yards;

Article 11 — DEFINITIONS
D. Storage, repair, or sale of fencing, irrigation pipe, pumps, and other commercial-farm-related equipment and implements;

E. Farm equipment storage and repair facilities;

F. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers;

G. Veterinarian clinic;

H. Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products;

I. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building;

J. Wineries which may include retail sales;

K. Other such uses which may be construed as similar to the uses listed above.

The processing, packaging, treatment and wholesale distribution, and storage of a product primarily derived from farm activities in the local agricultural community. Also, retail sales of products, supplies, and services to the agricultural community that support the production and harvesting of agricultural products.

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 TREE SPECIES. Trees recognized for commercial production under rules adopted by

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.

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.

IRRIGATION, IRRIGATED. Watered by an artificial or controlled means, including 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 tracts that receive water for irrigation from a water or irrigation district or other provider. 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. For the purposes of this ordinance, 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.
MASS GATHERING. The organized gathering of 100 or more persons when the gathering is not authorized by some other planning permit approval. Family weddings, reunions and funeral gatherings of the owner of the property, as well as events held in public parks, shall not be considered mass gatherings. Mass gatherings shall be allowed as a permitted temporary use in all zoning districts.

MEDICAL HARDSHIP. A temporary circumstance caused by serious illness or infirmity, authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

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

A. 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;

B. Is intended to offset part of the customer-generator’s requirements for energy;

C. Will operate in parallel with a utility’s existing transmission and distribution facilities;

D. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

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

A. 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;

B. 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;

C. Operates as a standalone power generator not connected to a utility grid; and

D. 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.

NRCS WEB SOIL SURVEY. Official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service as of January 1, 2016, for agricultural soils that are not high-value, and as of December 6, 2007, for high-value agricultural soils.

Article 11 — DEFINITIONS

Exhibit B - 5
OPEN PLAY FIELD. A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, 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 100 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 provided for by ORS 215.283(4).

PRIMARY PROCESSING OF FOREST PRODUCTS. The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

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.

PRIVATE PARK. 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.

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.

PUBLIC PARK. 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.

TEMPORARY EVENT. A temporary event is one 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 Type I 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).

TEMPORARY STRUCTURE OR USE. A non-permanent structure, or one used for a limited time, or
a use or activity that is of a limited duration.

UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE. As used in Article 64, 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.

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.
EXHIBIT "C"

Updated "Chapter 19.64 - Exclusive Farm and Farm Resource Zones"
ARTICLE 64 – EXCLUSIVE FARM & FARM RESOURCE ZONES

64.010 – PURPOSE

The purposes of the Exclusive Farm zone are to preserve agricultural land most appropriate for farm use and to provide beneficial uses of unfarmable land without creating conflicts between suburban expansion and farm use. The uses established by this zone are authorized by the ORS Chapter 215 and are designated in compliance with the statewide planning goal on agricultural land for lands which are potentially productive for farm use.

The purpose of the Farm Resource zone is to carry out the goals and policies of the Josephine County comprehensive plan relating to the preservation of the rural quality of the County and conservation of agricultural lands for farm use. This zone is designed to provide a classification for lands in Josephine County of marginal agriculture production capability. The uses established by this zone are authorized by ORS Chapter 215 and are designated in compliance with the statewide planning goal on agriculture land for lands which are potentially productive for farm use.

The Exclusive Farm and Farm Resource zones are intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activity. Normal resource management practices shall not be considered a nuisance condition in either zone or bordering zones. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of these zones should recognize that the intent of the zones is to protect resource activities and that in the event of a conflict between residential use and resource practices, this code will be interpreted in favor of the resource practice.

64.020 – USE TABLE

Table 1 identifies the uses permitted in the Exclusive Farm zone. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or III review, unless otherwise specified on Table 1. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this ordinance.

As used in Table 1:

A. “A” means the use is allowed.

B. “C” means the use is a Conditional Use, subject to Section 64.040 and other listed criteria.

C. The “Subject To” column identifies any specific provisions of Section 64.030 to which the use is subject and other local requirements.

D. “X” means the use is not allowed.

E. “HV” means High Value Farmland as defined in Section 11.030,
F. "Other" refers to lands not described as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8).

G. "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance.

H. Type I uses are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment. Type I uses shall be permitted using a Type I review procedure under Section 22.030 and shall be subject to the issuance of a development permit under Article 41.

I. Type II uses involve permits for which the application of review criteria requires the exercise of limited discretion. Decisions are made by the Community Development Director. These decisions require a notice of decision and opportunity for appeal and public hearing. Type II uses are permitted under Article 41, processed as a Type II review procedure under Section 22.040, and subject to the issuance of a development permit under Article 41.

J. Type III uses are permitted as a conditional use subject to the issuance of a conditional use permit as per Article 45, processed as a Type III review procedure under Section 23.030 and 24.030, subject to site plan review under Article 42, and the issuance of a development permit under the requirements of Article 41. Type III uses require a public hearing. Decisions are made by the Hearings Officer or Rural Planning Commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards. These decisions require a public notice prior to, and after, a decision.
### Table 1: Use Table for Exclusive Farm Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>EF Use Type</th>
<th>EF Review Type</th>
<th>FR Use Type</th>
<th>FR Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Farm, Forest, and Natural Resource Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Agriculture, farming and farm use, as these uses are defined in Section 11.030.</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>b. Propagation or harvesting of a forest product.</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>c. Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract.</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>d. Agricultural buildings customarily provided in conjunction with farm use.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>e. Creation of, restoration of, or enhancement of wetlands.</td>
<td>A</td>
<td>P</td>
<td>A</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>f. A facility for the processing of farm crops, biofuel or poultry.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.030(A)</td>
</tr>
<tr>
<td>g. A facility for the primary processing of forest products.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>64.030(B)</td>
</tr>
<tr>
<td>h. 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.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td><strong>2. Residential Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Primary farm dwelling.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.050 64.030(U)</td>
</tr>
<tr>
<td>b. Relative farm help dwelling.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.030(C) 64.030(U)</td>
</tr>
<tr>
<td>c. Accessory farm dwelling (different from a Detached Living Space).</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.060 64.030(U)</td>
</tr>
<tr>
<td>d. Lot of record dwelling.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.070 64.030(U)</td>
</tr>
<tr>
<td>Use</td>
<td>EF Type</td>
<td>EF Review Type</td>
<td>FR Use Type</td>
<td>FR Review Type</td>
<td>Subject to</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>---------</td>
<td>----------------</td>
<td>--------------</td>
<td>----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>e. Non-farm dwelling.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>64.080 64.030(U)</td>
</tr>
<tr>
<td>f. Replacement dwelling for historic property.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>64.030(U) Article 94</td>
</tr>
<tr>
<td>g. Alteration, restoration or replacement of a lawfully established dwelling.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>64.030(U) 64.090</td>
</tr>
<tr>
<td>h. Temporary hardship dwelling, including a Detached Living Space.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>Article 43</td>
</tr>
<tr>
<td>i. Residential home as defined in ORS 197.660, in existing dwellings.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>64.030(U)</td>
</tr>
<tr>
<td>j. Room and board arrangements, defined as a ‘Boarding House’, for a maximum of five unrelated persons in existing residences.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>64.030(U)</td>
</tr>
<tr>
<td>k. Temporary storage of unoccupied manufactured dwelling.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td>Article 43</td>
</tr>
</tbody>
</table>

3. Commercial Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>EF Type</th>
<th>EF Review Type</th>
<th>FR Use Type</th>
<th>FR Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Dog training classes or testing trials.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>64.030(D)</td>
</tr>
<tr>
<td>b. Farm stand.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.030(E)</td>
</tr>
<tr>
<td>c. Winery or Cider Business.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.100</td>
</tr>
<tr>
<td>d. Agri-tourism and other commercial events or activities that are related to and supportive of agriculture.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
<td>64.110</td>
</tr>
<tr>
<td>e. Destination resort.</td>
<td>A</td>
<td>III</td>
<td>A</td>
<td>III</td>
<td>64.030(F) Article 96</td>
</tr>
<tr>
<td>f. Parking of up to seven log trucks.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
</tbody>
</table>
### Table 1: Use Table for Exclusive Farm Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>EF Use Type</th>
<th>EF Review Type</th>
<th>FR Use Type</th>
<th>FR Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>in EF zone</td>
<td></td>
<td>in EF zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>II in ER zone</td>
<td></td>
<td>II in ER zone</td>
<td></td>
</tr>
<tr>
<td>h. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection (K)(3)(a).</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>i. 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.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>j. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection (K)(1)(f), but excluding activities in conjunction with a marijuana crop.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
<td>64.030(G)</td>
</tr>
</tbody>
</table>

### 4. Mineral, Aggregate, Oil and Gas Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>EF Use Type</th>
<th>EF Review Type</th>
<th>FR Use Type</th>
<th>FR Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 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.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>b. Operations for the exploration for minerals as defined by ORS 517.750.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>c. 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.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>d. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
<td>64.030(H)</td>
</tr>
</tbody>
</table>
### Table I: Use Table for Exclusive Farm Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>EF Type</th>
<th>EF Review Type</th>
<th>FR Type</th>
<th>FR Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Processing as defined by ORS 317.750 of aggregate into asphalt or portland cement.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
<td>Article 91</td>
</tr>
<tr>
<td>f. Processing of other mineral resources and other subsurface resources.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
</tbody>
</table>

#### 5. Transportation Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>EF Type</th>
<th>EF Review Type</th>
<th>FR Type</th>
<th>FR Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Climbing and passing lanes within the right of way existing as of July 1, 1987.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>b. 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.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>d. 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.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>e. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>f. 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.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>g. 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.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
</tbody>
</table>
Table 1: Use Table for Exclusive Farm Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>EF</th>
<th>EF</th>
<th>FR</th>
<th>FR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Type</strong></td>
<td><strong>Rev. Type</strong></td>
<td><strong>Use Type</strong></td>
<td><strong>Rev. Type</strong></td>
<td><strong>Subj. to</strong></td>
</tr>
<tr>
<td>h. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.</td>
<td>C</td>
<td>II or III</td>
<td>C</td>
<td>II or III</td>
</tr>
<tr>
<td>i. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
</tr>
</tbody>
</table>

### 6. Utility/Solid Waste Disposal Facilities

<table>
<thead>
<tr>
<th>Use</th>
<th>EF</th>
<th>EF</th>
<th>FR</th>
<th>FR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Type</strong></td>
<td><strong>Rev. Type</strong></td>
<td><strong>Use Type</strong></td>
<td><strong>Rev. Type</strong></td>
<td><strong>Subj. to</strong></td>
</tr>
<tr>
<td>a. 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.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
</tr>
<tr>
<td>b. Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
</tr>
<tr>
<td>c. Utility facility service lines.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
</tr>
<tr>
<td>d. Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height.</td>
<td>A</td>
<td>II</td>
<td>A</td>
<td>II</td>
</tr>
<tr>
<td>e. Transmission towers over 200 feet in height.</td>
<td>C</td>
<td>II</td>
<td>C</td>
<td>II</td>
</tr>
<tr>
<td>f. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
</tr>
<tr>
<td>g. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
</tr>
<tr>
<td>h. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.</td>
<td>C</td>
<td>III</td>
<td>C</td>
<td>III</td>
</tr>
<tr>
<td>Use</td>
<td>Use Type</td>
<td>Review Type</td>
<td>Use Type</td>
<td>Review Type</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>-------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>i. 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 not on high value farmland.</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>III</td>
</tr>
<tr>
<td>j. Composting facilities on farms or 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.</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>III</td>
</tr>
</tbody>
</table>

### 7. Parks/Public/Quasi-public Uses

| a. Fire service facilities providing rural fire protection services. | A | II | A | II |
| b. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306. | A | I | A | I |
| c. A site for the takeoff and landing of model aircraft. | A | II | A | II | 64.030(N) |
| d. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306. | C | II | C | II |
| e. Living history museum as defined in Article 11 | C | III | C | III | 64.030(O) 64.030(T) |
| f. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. | C | III | C | III | 64.030(P) 64.030(T) |
| g. Public parks and playgrounds. | C | III | C | III | 64.030(Q) 64.030(T) |
| h. Public parks or park uses in an adopted Park Master Plan | A | I | A | I | 64.030(T) |
| i. Operations for the extraction and bottling of water. | C | III | C | III |
| j. Churches and cemeteries in conjunction with churches. | X | X | A | II | 64.030(T) 64.030(V) |
### Table 1: Use Table for Exclusive Farm Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>k. 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.</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>III</td>
<td>64.030(R) 64.030(T) 64.030(V)</td>
</tr>
<tr>
<td>l. Private parks, playgrounds, hunting and fishing preserves, campgrounds, and transitional housing camps.</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>III</td>
<td>64.030(S) 64.030(T) 64.030(V)</td>
</tr>
<tr>
<td>m. Golf courses not on high-value farmland as defined in Article 11 and ORS 195.300.</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>III</td>
<td>64.030(T) 64.030(V)</td>
</tr>
</tbody>
</table>

#### 8. Outdoor Gatherings

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. An outdoor mass gathering of more than 100 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.</td>
<td>A</td>
<td>I</td>
<td>A</td>
<td>I</td>
<td>43.030(B)</td>
</tr>
<tr>
<td>b. 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 Rural Planning Commission under ORS 433.763.</td>
<td>A</td>
<td>III</td>
<td>A</td>
<td>III</td>
<td>43.030(B)</td>
</tr>
</tbody>
</table>

### 64.030 – USE STANDARDS

**A.** 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.
B. 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 Article 11. 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.

C. Relative farm help dwelling. To qualify for a relative farm help dwelling:

1. 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.

2. 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.

3. There is no other dwelling on the subject farm that is vacant or currently occupied by persons not working on the subject farm and could reasonably be used as the requested farm dwelling.

4. The dwelling meets the following criteria which define a “commercial agricultural enterprise”:

   a. Will contribute in a substantial way to the area’s existing agricultural economy;

   b. Will help maintain agricultural processors and established farm markets; and

   c. The evaluation shall consider not only what is produced, but how much and how it is to be marketed.

5. The structures shall be located on the least suitable portion of the property for farm use.

D. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:

1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

E. A farm stand may be approved if:

1. 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

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

3. 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.

4. As used in this Section, "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.

5. 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.

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

7. Farm Stand Development Standards

a. Adequate off-street parking will be provided pursuant to provisions of the County Article 75.

b. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

c. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.

d. No farm stand building or parking is permitted within the right-of-way.
e. Approval is required from the appropriate local road authority regarding adequate egress and ingress. All egress and ingress points shall be clearly marked.

f. 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.

[1] 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.

[2] Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.

[3] 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.

g. All outdoor light fixtures shall comply with Articles 75 and 77.

h. Signs are permitted consistent with Article 74.

8. Permit approval is subject to compliance with the County Health Department or Department of Agriculture requirements and with the development standards of this zone.

9. As used in this Subsection, “Farm Stand Structure” means a structure that is designed and used for the sale of farm crops and livestock. A food stand is considered to be a farm stand structure.

10. As applied to farm stands, a “Fee Based Activity to Promote the Sale of Farm Crops or Livestock” means an agri-tourism activity as defined in Article 11 that is directly related to the sale of farm crops or livestock sold at the farm stand and meets the standards of this Subsection.

F. A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to Subsection (T).

G. Commercial activities in conjunction with farm use may be approved when:

1. The commercial activity is either exclusively or primarily a customer or supplier of farm products;
2. 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

3. 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.

H. Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:

1. A land use permit is required for mining more than one thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre.

2. A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory on file with the Community Development Department.

I. 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.

J. Land Application of Reclaimed or Processed 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 zone is 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. Onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit, or other approval.

K. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right of way;
2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

3. The property to be served by the utility.

L. A utility facility that is necessary for public service.

1. 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.

   a. 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:

      [1] Technical and engineering feasibility;

      [2] 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;

      [3] Lack of available urban and nonresource lands;


      [5] Public health and safety; and

      [6] Other requirements of state and federal agencies.

   b. Costs associated with any of the factors listed in subparagraph (a) 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.

   c. The owner of a utility facility approved under paragraph (L)(1) 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.
d. 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.

e. 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 Exclusive Farm zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section 64.040 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.

f. In addition to the provisions of subparagraphs. (L)(1)(a) through (d), 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.

g. The provisions of paragraph (L)(1) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

2. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of subparagraph (L)(2)(a) or (L)(2)(b) of this paragraph.

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

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

[2] The associated transmission line is co-located with an existing transmission line; or

[3] The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

[4] 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.

b. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to subparagraphs (L)(2)(c) and (d), two or more of the following criteria:
[1] Technical and engineering feasibility;

[2] 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;

[3] 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;

[4] Public health and safety; or

[5] Other requirements of state or federal agencies.

c. As pertains to subparagraph (L)(2)(b), 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.

d. The county may consider costs associated with any of the factors listed in subparagraph (L)(2)(b), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

M. 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 64.030(V).

1. Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:

   a. Meets the requirements of OAR 340-096-0150;

   b. Identifies the distance of the proposed operation to the nearest residential zone;

   c. Includes a complaint response protocol;

   d. Is submitted to the DEQ with the required permit application; and
e. May be subject to annual review by the county to determine if any revisions are necessary.

2. Compost operations subject to paragraph (M)(1) include:

a. A new disposal site for composting that sells, or offers for sale, resulting product; or

b. An existing disposal site for composting that sells, or offers for sale, resulting product that:

c. Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or

d. Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.

N. 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.

O. 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. “Living History Museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
P. 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.

Q. Public parks may include:

1. All outdoor recreation uses allowed under ORS 215.213 or 215.283.

2. 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 the state:
   a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
   b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
   c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
   d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
   e. 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;
   f. 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;
   g. 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
h. 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.

3. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by the state: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
   a. Meeting halls not exceeding 2000 square feet of floor area;
   b. Dining halls (not restaurants).

R. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
   1. The Conditional Use Review Criteria in Section 64.040 are met; and
   2. 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.

S. Private Campgrounds are subject to the following:
   1. 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.
   2. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by paragraph (S)(3).
3. 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.

T. Three-mile setback. For uses subject to this Subsection:

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

2. Any enclosed structures or group of enclosed structures described in paragraph (T)(1) 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.

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

U. 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.

V. 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 definition of golf course as defined in Section 11.090 and the standards of Section 64.040.

64.040 – CONDITIONAL USE REVIEW CRITERIA

An applicant for a use permitted as a conditional use pursuant to Subsection 64.020(B) must demonstrate compliance with the following criteria

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

B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

C. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm operations and that agricultural and forest uses for lands zoned for resource use have priority over all land uses.
64.050 – DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

A. Large Tract Standards. On land not identified as high-value farmland as defined in Section 11.030, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The parcel on which the dwelling will be located is at least 160 acres and is not designated rangeland.

2. The subject tract is currently employed for farm use.

3. 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.

4. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

B. 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:

1. 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:

   a. At least $40,000 in gross annual income from the sale of farm products; or

   b. 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

2. 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 operator or on the farm operation;

3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph (B)(1); and

4. In determining the gross income required by Subsection (B)(1):

   a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation;

   b. Only gross income from land owned, not leased or rented, shall be counted; and
c. 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.

C. 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:

1. 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

2. 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 operator or on the farm operation; and

3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph (C)(1);

4. In determining the gross income required by paragraph (C)(1):
   a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm operation;
   b. Only gross income from land owned, not leased or rented, shall be counted; and
   c. 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.

D. Farm Capability Standards.

1. 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 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;
   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 tracts used to calculate the tract size in subparagraph (D)(1)(a);
   c. The subject tract is currently employed for a farm use, at a level capable of producing the annual gross sales required in subparagraph (D)(1)(a);
d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;

e. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

f. 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

g. 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 subparagraph (D)(1)(c).

h. In determining the gross sales capability required by subparagraph (D)(1)(c):

[1] The actual or potential cost of purchased livestock shall be deducted from the total gross sales attributed to the farm tract;

[2] Only actual or potential sales from land owned, not leased or rented, shall be counted; and

[3] 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.

2. In order to identify the commercial farm tracts to be used in subparagraph (D)(1)(a), 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).

E. Additional Farm Income Standards.

1. For the purpose of Subsections (B) or (C), 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 western Oregon may not be used to qualify a dwelling in the other part of the state.

2. Prior to the final approval for a dwelling authorized by Subsections (B) and (C) that requires one or more contiguous or non-contiguous lots or parcels of a farm 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:
a. 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

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

3. 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;

F. 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 (B) or (C) above, subject to the following requirements:

1. The subject tract will be employed as a commercial dairy as defined in paragraph (F)(7);

2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;

3. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

4. 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;

5. 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

6. The Oregon Department of Agriculture has approved the following:

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

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

7. 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 (B) or (C), whichever is applicable, from the sale of fluid milk.

G. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
1. Within the previous two years, the applicant owned and operated a different farm 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 (B) or (C), whichever is applicable;

2. The subject lot or parcel on which the dwelling will be located is:
   a. 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 (B) or (C), whichever is applicable; and
   b. At least the size of the applicable minimum lot size under Section 64.130;

3. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

4. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraphs (G)(1); and

5. In determining the gross income required by paragraphs (G)(1) and (2):
   a. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
   b. Only gross income from land owned, not leased or rented, shall be counted.

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

64.060 – ACCESSORY FARM DWELLINGS

A. Accessory farm dwellings (different than a Detached Living Space) may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

1. 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;

2. The accessory farm dwelling will be located:
   a. On the same lot or parcel as the primary farm dwelling;
b. 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;

c. 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;

d. 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 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

e. 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

3. 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 and that could reasonably be used as an accessory farm dwelling.

B. In addition to the requirements in Subsection (A), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

1. On land not identified as high-value farmland, the primary farm dwelling is located on a farm 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:

   a. 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
b. 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;

2. On land identified as high-value farmland, the primary farm dwelling is located on a farm 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

3. It is located on a commercial dairy farm as defined in Subsection 64.050(F); and

   a. 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;

   b. 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

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

C. 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 paragraph 64.130(A).

D. 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 subparagraph 64.020(K)(2)(e).

E. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

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

G. 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.
64.070 – LOT OF RECORD DWELLINGS

A. A lot of record dwelling may be approved on a pre-existing lot or parcel if:

1. 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 (D):
   a. Since prior to January 1, 1985; or
   b. 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.

2. The tract on which the dwelling will be sited does not include a dwelling;

3. 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;

4. 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;

5. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsection (C); and

6. 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.

B. 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;

C. Notwithstanding the requirements of paragraph (A)(5), a single-family dwelling may be sited on high-value farmland if:

1. It meets the other requirements of Subsections (A) and (B);

2. The lot or parcel is protected as high-value farmland as defined in Section 11.100;

3. The county Hearings Officer determines that:
a. 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.

[1] 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.

[2] 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.

[3] 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;

b. The dwelling will comply with the provisions of Section 64.040; and

c. 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 64.080(A).

D. For purposes of Subsection (A), “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;

E. The county assessor shall be notified that the governing body intends to allow the dwelling.

F. 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.

G. 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.
64.080 – DWELLINGS NOT IN CONJUNCTION WITH FARM USE

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

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. Non-farm dwelling suitability standards.

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

2. 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 portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm, 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

3. 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.
C. 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 (1) through (3) 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 1 through 3 below;

1. 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 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm 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;

2. Identify within the study area the broad types of farm uses (irrigated or nonirrigated 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 64.070(A) and Section 64.080, 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), ORS 215.263(5), and ORS 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and

3. 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

D. If a single-family dwelling is established on a lot or parcel as set forth in subparagraph 64.020(K)(2)(d), no additional dwelling may later be sited under the provisions of this Section.
64.090 – ALTERATION, RESTORATION OR REPLACEMENT OF A LAWFULLY-ESTABLISHED DWELLING

A. 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:

1. The dwelling to be altered, restored or replaced has, or formerly had:
   a. Intact exterior walls and roof structure;
   b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
   c. Interior wiring for interior lights;
   d. A heating system; and
   e. 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.

2. Notwithstanding subparagraph (A)(1)(e), 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:
   a. The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
   b. 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.

B. For replacement of a lawfully established dwelling under subparagraph 64.020(K)(2)(g):

1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
   a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
b. If the dwelling to be replaced is, in the discretion of the 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

c. 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.

2. 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.

3. 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 Community Development 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.

C. 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.

1. The siting standards of paragraph (C)(2) apply when a dwelling qualifies for replacement because the dwelling:

   a. Formerly had the features described in paragraph (A)(1);

   b. Was removed from the tax roll as described in paragraph (A)(2); or

   c. Had a permit that expired as described under paragraph (D)(3).

2. The replacement dwelling must be sited on the same lot or parcel:

   a. 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

   b. 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.
3. Replacement dwellings that currently have the features described in paragraph (A)(1) and that have been on the tax roll as described in paragraph (A)(2) may be sited on any part of the same lot or parcel.

D. A replacement dwelling permit that is issued under subparagraph 64.020(K)(2)(g):

1. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
   a. Formerly had the features described in paragraph (A)(1); or
   b. Was removed from the tax roll as described in paragraph (A)(2);

2. Is not subject to the time to act limits of ORS 215.417; and

3. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
   a. Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
   b. 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.

64.100 – WINERIES AND CIDER BUSINESSES

A. Small Wineries and Cider Businesses. Small wineries and cider businesses are separate uses. The small winery provisions and standards of Subsection (A) may not be applied to a cider business, nor may the provisions and standards for a cider business be applied to a small winery.

1. A winery or cider business may be established as a permitted use if the proposed winery will produce wine or a cider business will produce cider with a maximum annual production of:

   a. Less than 50,000 gallons of wine for a winery or 10,000 gallons of cider for a cider business and the owner:

      [1] Owns an on-site vineyard of at least 15 acres;

      [2] Owns a contiguous vineyard of at least 15 acres;

      [3] Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 15 acres of a vineyard contiguous to the winery or from an orchard contiguous to the cider business; or

      [4] Obtains grapes for a winery or apple or pears for a cider business from any combination of subparagraphs (A)(1)(a)[1], [2], or [3]; or
b. At least 50,000 gallons of wine for a winery or 100,000 gallons of cider for a cider business and the owner:

[1] Owns an on-site vineyard for a winery or orchard for a cider business of at least 40 acres;

[2] Owns a contiguous vineyard for a winery or orchard for a cider business of at least 40 acres;

[3] Has a long-term contract for the purchase of all of the grapes for a winery or apples or pears for a cider business from at least 40 acres of a vineyard contiguous to the winery or from an orchard contiguous to the cider business;

[4] Owns an on-site vineyard for a winery or orchard for a cider business of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards for a winery or orchards for a cider business in Oregon that are located within 15 miles of the winery site or cider business; or

[5] Obtains grapes for a winery or apples or pears for a cider business from any combination of subparagraphs (A)(1)(a)(1) through (4).

2. In addition to producing and distributing wine or cider, a small winery or cider business established under this Subsection may:

a. Market and sell wine produced in conjunction with the winery or cider business.

b. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, including:

[1] Wine or cider tastings in a tasting room or other location on the premises occupied by the winery for wine tastings or cider business for cider tastings;

[2] Wine or cider club activities;

[3] Winemaker or cidermaker luncheons and dinners;

[4] Winery and vineyard or cider business and orchard tours;

[5] Meetings or business activities with winery or cider business suppliers, distributors, wholesale customers and wine-industry or cider industry members;

[6] Winery or cider business staff activities;
Open house promotions of wine produced in conjunction with the winery or cider produced in conjunction with the cider business; and

Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery or cider produced in conjunction with the cider business.

c. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery or cider produced in conjunction with the cider business, the marketing and sale of which is incidental to on-site retail sale of wine for a winery or cider for a cider business, including food and beverages:

Required to be made available in conjunction with the consumption of wine or cider on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

Served in conjunction with an activity authorized by subparagraph (A)(2)(b), (d), or (e).

d. Carry out agri-tourism or other commercial events on the tract occupied by the winery or cider business subject to Subsection (A)(5).

e. Host charitable activities for which the winery or cider business does not charge a facility rental fee.

f. Site a home occupation on the same tract, and in association with, the winery or cider business as provided by Article 92.

3. A winery or cider business 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 subparagraph (A)(2)(c). Food and beverage services authorized under subparagraph (A)(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 or cider business from the sale of incidental items or services provided pursuant to subparagraph (A)(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 or cider produced in conjunction with the cider business. The gross income of a winery or cider business does not include income received by third parties unaffiliated with the winery or cider business. At the request of the county, the winery or cider business shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery or cider business with this Subsection for the previous tax year.
5. A winery or cider business may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery or cider business:
   a. 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 64.110(A) to (D).
   b. Agri-tourism and other commercial event or activities are subject to the requirements in Subsection 64.110(H).

6. A winery or cider business operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery or cider business is established.

7. Prior to the issuance of a permit to establish a winery under Subsection (A), the applicant shall show that vineyards described in Subsection (A) have been planted or that the contract has been executed, as applicable.

8. For the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands, the winery or cider business shall:
   a. Establish a setback of at least 100 feet from all property lines for the winery or cider business 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.

B. Large Wineries

1. A large 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 subparagraph (B)(1)(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.

2. In addition to producing and distributing wine, a large winery 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;


[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 subparagraph (B)(2)(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.

3. Income requirements:
a. The gross income of the winery from the sale of incidental items pursuant to subparagraph (B)(2)(c) and services provided pursuant to subparagraph (B)(2)(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 subparagraph (B)(2)(d) for the previous tax year.

4. A large winery shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.

5. A large winery may operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

6. 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 subparagraph (B)(2)(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 64.040(A) and (B);

   [2] Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and


7. A person may not have a substantial ownership interest in more than one large winery operating a restaurant.

8. Prior to the issuance of a permit to establish a large winery, the applicant shall show that vineyards described in paragraph (B)(1) have been planted.

9. A large winery operating under paragraph (B)(1) 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.
10. A large winery operating under paragraph (B)(1) 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.

C. As used in this Section:

1. “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 or cider produces in conjunction with a cider business is a secondary purpose of the event.

2. “Cider” means an alcoholic beverage made from the fermentation of the juice of apples or pears and includes, but is not limited to, flavored cider, sparkling cider, and carbonated cider.

3. “Cider business” means a facility used primarily for the commercial production, shipping and distribution, wholesale or retail sales, tasting, crushing, making, blending, storage, bottling, administrative functions or warehousing of cider.

4. “On-site retail sale” for wineries includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone. For cider businesses, “On-site retail sale” includes the retail sale of cider in person at a cider business, through a cider club, or over the internet or telephone.

64.110 – 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:

A. 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:

1. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

2. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

3. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

4. 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;
5. The agri-tourism or other commercial event or activity complies with the standards described in Subsections 64.040(A) and (B);

6. 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

7. The agri-tourism or other commercial event or activity complies with conditions established for:
   a. Planned hours of operation do not extend before 7 a.m. or after 11 p.m.
   b. Adequate off-street parking will be provided pursuant to the requirements in this ordinance.
   c. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
   d. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
   e. No parking is permitted within the right-of-way.
   f. Approval is required from County Public Works Department of Transportation regarding adequate egress and access. All egress and access points shall be clearly marked.
   g. Vision clearance areas at street intersections must be clear of obstruction, consistent with the requirements in this Ordinance.
   h. Permit approval is subject to compliance with the established sanitation requirements, the Department of Agriculture requirements, and the development standards of this zone; and

B. In the alternative to Subsections (A) and (C), 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:

1. Must be incidental and subordinate to existing farm use on the tract;

2. May not begin before 6 a.m. or end after 10 p.m.;
3. May not involve more than 100 attendees or 50 vehicles;

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

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

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

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

C. In the alternative to Subsections (A) and (B), 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:

1. Must be incidental and subordinate to existing farm use on the tract;

2. May not, individually, exceed a duration of 72 consecutive hours;

3. 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;

4. Must comply with the standards described in Subsections 64.040(A) and (B);

5. 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

6. Must comply with conditions established for:

   a. 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;

   b. 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;

   c. The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
d. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

e. Sanitation and solid waste

f. Must comply with the requirements of (H).

7. 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 (C), 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.

D. In addition to Subsections (A) to (C), 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 (A) to (C) 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:

1. 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;

2. Comply with the requirements of (C)(3), (4), (5), and (6);

3. Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

4. Do not exceed 18 events or activities in a calendar year.

E. A holder of a permit authorized by a county under Subsection (D) must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

1. Provide public notice and an opportunity for public comment as part of the review process; and

2. 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 (D).

F. 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.
G. 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.

H. Conditions of Approval. Agri-tourism and other commercial events permitted under Subsections (C) and (D) are subject to the following standards and criteria:

1. A permit application for an agri-tourism or other commercial event or activity shall include the following:
   
a. 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 or cider businesses, 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.

   b. 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;

   c. 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.

2. Approval Criteria.

   a. 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.

   b. No more than two agri-tourism or commercial events or activities may occur in one month.

   c. The maximum number of people shall not exceed 500 per calendar day.

   d. Notification of agri-tourism and other commercial events or activities.
[1] 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 Planning Division within the Community Development Department and a list of all property owners within 500 feet of the subject property, as notarized by a title company.

[2] 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.

[3] If notice pursuant to [1] 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.

[4] 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.

e. Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 12:00 p.m.

f. Overnight camping is prohibited.

g. Consistent with County Noise Ordinance

h. Transportation Management

[1] Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.

[2] Driveways extending from paved roads shall have a paved apron, requiring review and approval by the County Road Department.

[3] 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.
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.

Adequate off-street parking will be provided pursuant to provisions of Article 75.

i. Health and Safety Compliance

Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.

All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Building Safety Division within the Community Development Department any other applicable federal, state and local laws.

Compliance with the requirements of the Building Safety Division within the Community Development Department shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

64.120 – COMMERCIAL FACILITIES FOR GENERATING POWER

A. Commercial Power Generating Facility.

1. Permanent features of a power generation facility shall not preclude more than:

   a. 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

   b. 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.

2. 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.
3. 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.

B. Wind Power Generation Facility.

1. 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.

   a. Temporary workforce housing described in paragraph (A)(2) 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.

   b. 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.

2. 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:

   a. 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:

      [1] Technical and engineering feasibility;

      [2] Availability of existing rights of way; and

      [3] The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under subparagraph (B)(2)(b);
b. 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;

c. Costs associated with any of the factors listed in Subsection a 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;

d. The owner of a wind power generation facility approved under Subsection 2 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

e. The criteria of paragraph (B)(3) are satisfied.

3. 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:

a. 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;

b. 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;
c. 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

d. 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.

4. For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of subparagraph (B)(3)(d) are satisfied.

5. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in paragraphs (B)(3) and (4), the approval criteria of paragraph (B)(3) shall apply to the entire project.

C. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

1. “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

2. “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.

3. “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

4. “Nonarable 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 nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
5. "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.

6. 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:

a. 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;

b. 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;
c. 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;

d. 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;

e. The project is not located on high-value farmland soils unless it can be demonstrated that:

[1] Non-high-value farmland soils are not available on the subject tract;

[2] 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

[3] The proposed site is better suited to allow continuation of an existing commercial farm 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

f. 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:

[1] 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.
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 designee 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.

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 designee must find that:

a. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

   [1] Nonarable soils are not available on the subject tract;

   [2] Siting the project on nonarable soils present on the subject tract would significantly reduce the project’s ability to operate successfully; or

   [3] The proposed site is better suited to allow continuation of an existing commercial farm operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

b. 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;

c. 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:

   [1] 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.
[2] 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

d. The requirements of subparagraphs (C)(6)(a), (b), (c), and (d) are satisfied.

8. For nonarable 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:

a. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

[1] Siting the project on nonarable soils present on the subject tract would significantly reduce the project’s ability to operate successfully; or

[2] The proposed site is better suited to allow continuation of an existing commercial farm operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;

b. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

c. 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;

d. The requirements of subparagraph (C)(6)(d) are satisfied;
e. 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

f. 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.

g. The provisions of subparagraph (C)(8)(f) are repealed on January 1, 2022.

9. 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).

10. 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.
D. As used in this Section:

1. Commercial power generating facility means a facility for the production of energy and its related or supporting facilities that:
   a. 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;
   b. Is intended to provide energy for sale; and
   c. 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.

64.130 – LAND DIVISIONS

A. Minimum Parcel Size. The minimum size for creation of a new parcel shall be 80 acres.

B. A division of land to accommodate a use permitted as a conditional use pursuant to 64.020(B), except a residential use, smaller than the minimum parcel size provided in Subsection (A) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

C. A division of land to create up to two new parcels smaller than the minimum size established under Subsection (A), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:

1. The nonfarm dwellings have been approved under Section 64.080;
2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (A); and
4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection (A).

D. 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:
1. The nonfarm dwellings have been approved under Section 64.080;

2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;

3. 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;

4. The parcels for the nonfarm dwellings are:
   a. Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and
   b. Composed of at least 90 percent Class VI through VIII soils.

5. The parcels for the nonfarm dwellings do not have established water rights for irrigation.

E. 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.

F. 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.

G. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in 64.020(K)(2)(b), (h), or (g) from the lot or parcel on which the primary residential use exists.

H. This Section does not allow a division of a lot or parcel that separates a processing facility from the farm operation specified in 64.020(K)(4)(e).

I. A division of land may between 2 and 10 acres in size may be permitted to create a parcel with an existing dwelling to be used:
   1. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section 64.080; and
   2. For historic property that meets the requirements of 64.020(K)(2)(f)
   3. If the proposed parcel is located within the deer overlay, Article 69.2, all requirements of that zone must be met.

J. Notwithstanding the minimum lot or parcel size described in Subsection (A),
   1. A division of land may be approved provided;
a. 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;

b. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel; and

c. The landowner is required to sign and record in the deed records for the County a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause or action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

2. A parcel created pursuant to this Subsection that does not contain a dwelling:

a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

b. May not be considered in approving or denying an application for siting any other dwelling;

c. 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

d. 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.

K. A division of land smaller than the minimum lot or parcel size in Subsection (A) may be approved provided:

1. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

2. The church has been approved under 64.020(7)(j);

3. The newly created lot or parcel is not larger than five acres; and

4. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection (A) either by itself or after it is consolidated with another lot or parcel.
L. Notwithstanding the minimum lot or parcel size described Subsection (A), a division for the nonfarm uses set out in 64.020(K)(7)(a) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

M. The governing body of a county may not approve a division of land for nonfarm use under Subsection (B), (C), (D), (I), (J), (K), or (L) unless any additional tax imposed for the change in use has been paid.

N. A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water or biosolids as described under 64.020(K)(6)(b).

O. 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.

P. 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:

1. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.

2. If the parcel does not contain a dwelling, it:
   a. Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;
   b. May not be considered in approving or denying an application for any other dwelling; and
   c. 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.

3. The landowner is required to sign and record in the deed records for the County a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or cause or action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

64.140 – DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this zone:

A. Lot size and shape – See Article 71.

B. Building and accessory heights, setbacks, yards – See Article 72.
C. Stream setbacks – Article 72.
D. Fences, walls, and screens – See Article 73.
E. Signs – See Article 74.
F. Parking – See Article 75.
G. Access – See Article 81.
H. Erosion and sediment control – See Article 83.
I. Water standards – See Article 84.
J. Utilities – See Article 85.
K. Solid waste – See Article 86.
L. Aggregate mining and processing – See Article 91.
M. Home occupations – See Article 92.
N. Archaeological resources – See Article 93.
O. Historic resources – See Article 94.
P. Hydroelectric facilities – See Article 95.
Q. Destination resort – See Article 96.
R. Flood hazard overlay – See Article 69.1.
S. Deer overlay – See Article 69.2.
T. Wild and scenic rivers overlay – See Article 69.3.
U. Airport overlay – See Article 69.4 and 101.5.
V. Lighting – See Articles 75 and 77.
EXHIBIT "D"

Updated "Chapter 19.65 – Forest Commercial and Woodlot Resource Zones"
ARTICLE 65 – FOREST COMMERCIAL & WOODLOT RESOURCE ZONES

65.010 – PURPOSE

The Forest Commercial zone is intended to implement the goals and policies of the Josephine County comprehensive plan by conserving and protecting lands for forest uses. This zone is designed to provide a classification for commercial forest lands in private ownerships and for public lands administered by forest management agencies, encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards. This zone is consistent with statewide planning goal four for conservation of forest lands.

The purpose of Woodlot Resource Zone is to carry out the objectives of the goals and policies of the Josephine County comprehensive plan relating to preservation of the rural quality of the County and conservation of forest lands. This zone is designed to provide a classification for lands in Josephine County that have resource potential but timber production is generally at a lower level than the primary forest zone because of soil limitations and smaller lot size. This zone is consistent with Goal 4 for the preservation of forest lands.

The Forest Commercial and Woodlot Resource zones are intended to facilitate the right to conduct forest practices consistent with the Forest Practices Act and to encourage and promote the development and conservation of natural resources. Normal forest management, mining, or agricultural practices shall not be considered a nuisance condition in a Forest Commercial or Woodlot Resource zone or bordering zones; provided, that such actions are consistent with the standards of the Oregon Forest Practices Act and do not extend beyond the boundaries of either zone. Nothing in this regulation is intended to interfere with normal forestry or agricultural practices that might result in conditions such as noise, dust or odor. Residents of these zones must recognize that the intent of the zones is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this code will be interpreted in favor of the resource management practice.

65.020 – USE TABLE

Table 1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the forest zoning districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table 1. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this ordinance.

As used in Table 1:

A. "A" means the use is allowed.

B. "C" means the use is a Conditional Use, subject to Section 65.040 and other listed criteria.

C. The "Subject To" column identifies any specific provisions of Section 65.030 to which the use is subject and other local requirements.
D. "X" means the use is not allowed.

E. "NA" means not applicable.

F. "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance.

G. Type I uses are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment. Type I uses shall be permitted using a Type I review procedure under Section 22.030, and shall be subject to the issuance of a development permit under Article 41.

H. Type II uses involve permits for which the application of review criteria requires the exercise of limited discretion. These decisions require a notice of decision and opportunity for appeal and public hearing. Type II uses are permitted under Article 41, processed as a Type II review procedure under Section 22.040, and subject to the issuance of a development permit under Article 41.

I. Type III uses are permitted as a conditional use subject to the issuance of a conditional use permit as per Article 45, processed as a Type III review procedure under Section 23.030 and 24.030, subject to site plan review under Article 42, and the issuance of a development permit under the requirements of Article 41. Type III uses require a public hearing. Decisions are made by the Hearings Officer or Rural Planning Commission, usually with an opportunity to appeal to the Board of Commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.
### Table 1. Permitted Uses

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
</table>

#### 1. Forest, Farm and Natural Resource Uses

- a. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.  
  - Use Type: A  
  - Review Type: P

- b. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.  
  - Use Type: A  
  - Review Type: P

- c. 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.  
  - Use Type: A  
  - Review Type: P

- d. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.  
  - Use Type: A  
  - Review Type: P

- e. Farm use as defined in ORS 215.203.  
  - Use Type: A  
  - Review Type: P

- f. Uninhabitable structures accessory to fish and wildlife enhancement.  
  - Use Type: A  
  - Review Type: I

- g. Agricultural building.  
  - Use Type: A  
  - Review Type: I

- h. Log scaling and weigh stations.  
  - Use Type: C  
  - Review Type: III

- i. Forest management research and experimentation facilities as defined by ORS 526.215.  
  - Use Type: C  
  - Review Type: II

#### 2. Residential Uses

- a. Caretaker residences for public parks and public fish hatcheries.  
  - Use Type: A  
  - Review Type: I  
  - Subject to: 65.030(K)

- b. Large tract forest dwelling.  
  - Use Type: A  
  - Review Type: II  
  - Subject to: 65.030(A), 65.030(K)

- c. Lot of record dwelling.  
  - Use Type: A  
  - Review Type: II  
  - Subject to: 65.030(B), 65.030(K)

- d. Template dwelling.  
  - Use Type: A  
  - Review Type: II  
  - Subject to: 65.030(C), 65.030(K)

- e. Alteration, restoration or replacement of a lawfully established dwelling.  
  - Use Type: A  
  - Review Type: I  
  - Subject to: 65.030(D), 65.030(K)

- f. Temporary hardship dwelling, including Detached Living Space.  
  - Use Type: C  
  - Review Type: II  
  - Subject to: Article 43, 65.030(K)
### Table 1: Use Table for Forest Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Commercial Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Temporary portable facility for the primary processing of forest products.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>b. Temporary forest labor camps.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>c. Private hunting and fishing operations without any lodging accommodations.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>d. Destination resort.</td>
<td>A</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>e. Parking of up to seven dump trucks and trailers.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>f. Home occupations.</td>
<td>C</td>
<td>I, II, or III in FC Zone. II in WR Zone only</td>
<td>Article 92</td>
</tr>
<tr>
<td>g. Permanent facility for the primary processing of forest products.</td>
<td>C</td>
<td>III</td>
<td>65.030(L)</td>
</tr>
<tr>
<td>h. Permanent logging equipment repair and storage.</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>i. Private seasonal accommodations for fee hunting operations.</td>
<td>C</td>
<td>III</td>
<td>65.030(E)</td>
</tr>
<tr>
<td>j. Private accommodations for fishing occupied on a temporary basis.</td>
<td>C</td>
<td>III</td>
<td>65.030(F)</td>
</tr>
<tr>
<td><strong>4. Mineral, Aggregate, Oil and Gas Uses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Exploration for mineral and aggregate resources as defined in ORS chapter 517.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>b. 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.</td>
<td>A</td>
<td>I, II if includes production</td>
<td></td>
</tr>
<tr>
<td>c. Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted (e.g. compressors, separators and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517.</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>d. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
</tbody>
</table>
Table 1: Use Table for Forest Zones
I = Type I  II = Type II  III = Type III
P = Permitted  O = Right  X = Prohibited
C = Conditional Use  A = Allowed Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Transportation Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Climbing and passing lanes within the right of way existing as of July 1, 1987.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>b. 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.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>d. 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.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>e. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.</td>
<td>C</td>
<td>II or III</td>
<td></td>
</tr>
<tr>
<td>f. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>g. 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.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>h. 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.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>i. Expansion of existing airports.*</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
</tbody>
</table>

6. Utility, Power Generation, Solid Waste Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Local distribution lines (e.g. electric, telephone, natural gas) &amp; accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
</tbody>
</table>
### Table 1: Use Table for Forest Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Water intake facilities, canals and distribution lines for farm irrigation and ponds.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>c. Television, microwave and radio communication facilities and transmission towers.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>d. 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.</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>e. Water intake facilities, related treatment facilities, pumping stations and distribution lines.</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>f. Reservoirs and water impoundments.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>g. Disposal site for solid waste approved by the governing body 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.</td>
<td>C</td>
<td>III</td>
<td>Article 86</td>
</tr>
<tr>
<td>h. Commercial utility facilities for the purpose of generating power.</td>
<td>C</td>
<td>II</td>
<td>65.030(G)</td>
</tr>
</tbody>
</table>

#### 7. Public and Quasi-public Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Towers and fire stations for forest fire protection.</td>
<td>A</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>b. Youth camps.</td>
<td>A</td>
<td>II</td>
<td>65.060</td>
</tr>
<tr>
<td>c. Aids to navigation and aviation.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>d. Firearms training facility as provided in ORS 197.770(2).</td>
<td>C</td>
<td>III</td>
<td></td>
</tr>
<tr>
<td>e. Fire stations for rural fire protection.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>f. Cemeteries.</td>
<td>C</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>g. Public parks.</td>
<td>C</td>
<td>III</td>
<td>65.030(I) Article 98</td>
</tr>
<tr>
<td>h. Private parks and campgrounds.</td>
<td>C</td>
<td>III</td>
<td>65.030(J) Article 98</td>
</tr>
</tbody>
</table>

#### 8. Outdoor Gatherings
Table 1: Use Table for Forest Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Review Type</th>
<th>Subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 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.</td>
<td>A</td>
<td>I</td>
<td>43.030(B)</td>
</tr>
<tr>
<td>b. 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 Rural Planning Commission under ORS 433.763.</td>
<td>A</td>
<td>III</td>
<td>43.030(B)</td>
</tr>
</tbody>
</table>

65.030 – USE STANDARDS

A. 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:

1. 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 paragraph (A)(3) for all tracts that are used to meet the acreage requirements of this subsection.

2. A tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.

3. Where one or more lots or parcels are required to meet minimum acreage requirements:
   a. 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.
   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.

B. Lot of record dwelling
1. 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 (B)(4):
   a. Since prior to January 1, 1985; or
   b. 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.

2. The tract on which the dwelling will be sited does not include a dwelling;

3. 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.

4. 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, grandfather or grandchild of the owner or a business entity owned by any one or combination of these family members.

5. 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:
   a. A United States Bureau of Land Management road; or
   b. 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.

6. 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

7. 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.

C. 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:
1. Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
   a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
   b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
   a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
   b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
   a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
   b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.

5. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.

6. Except as provided by paragraph (C)(7), 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.

7. The following applies where a tract 60 acres or larger abuts a road or perennial stream.
   a. The measurement shall be made in accordance with paragraph (C)(6). 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.

b. 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.

8. A proposed “template” dwelling under this ordinance is not allowed:

a. 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;

b. Unless it complies with the requirements of Sections 65.050 and Article 76.;

c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph 65.030(A)(3) for the other lots or parcels that make up the tract are met; or

d. If the tract on which the dwelling will be sited includes a dwelling.

9. Where other lots or parcels that make up a tract in paragraph (C)(8):

a. 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.

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.

D. Alteration, restoration or replacement of a lawfully established dwelling, where Subsections (1) or (2) apply:

1. Alteration or restoration 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; and

d. Has a heating system.

2. 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.

E. Private seasonal accommodations for fee hunting operations are subject to the following requirements:

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

2. Only minor incidental and accessory retail sales are permitted; and

3. 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.

F. Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:

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

2. Only minor incidental and accessory retail sales are permitted;

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

4. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.

G. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.

H. 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 65.040 and shall comply with the following requirements.

1. 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.
2. 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.

3. 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.

4. 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:
   
a. The area surrounding the facility is kept free from litter and debris.

b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.

c. 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.

5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.

6. 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.

7. 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.

8. Hours of operation for the facility shall be limited to 8 am – 7 pm.

9. Comply with other conditions deemed necessary.

I. Public parks may include:

1. All uses allowed under Statewide Planning Goal 4;

2. 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 the state:

   a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;

c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;

e. 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;

f. 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;

g. 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

h. 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.

3. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by the state: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

   a. Meeting halls not exceeding 2000 square feet of floor area;

   b. Dining halls (not restaurants).

J. Private Campgrounds and Campsites.

1. Campgrounds in private parks may be permitted, subject to the following:
a. 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.

b. 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.

c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

d. Overnight temporary use in the same campground by a camper or camper’s vehicle shall not exceed a total of 30 days during any consecutive six-month period.

2. Campsites within campgrounds meeting the requirement of (1) and permitted pursuant to Section 65.040 must comply with the following:

a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to (2)(c).

b. 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.

c. No more than one-third or a maximum of 10 camp sites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

K. 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.

L. Permanent facility for the primary processing of forest products that is:

1. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

2. Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or

3. Located in a combination of indoor and outdoor areas described in paragraphs (L)(1) and (L)(2); and
4. Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

65.040 – CONDITIONAL USE REVIEW CRITERIA

A use authorized by Section 65.020(B) of this zone 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.

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

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

C. 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).

65.050 – SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES

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 Article 76. to identify the building site:

A. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands;

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

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

4. The risks associated with wildfire are minimized.

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

1. 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;

2. A water use permit issued by the Water Resources Department for the use described in the application; or

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

D. 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.

E. Approval of a dwelling shall be subject to the following requirements:

1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;

2. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

3. Stocking survey report:

   a. If the lot or parcel is more than 10 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

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

65.060 – YOUTH CAMPS

A. 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.

B. 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.

C. An application for a proposed youth camp shall comply with the following:

1. 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 paragraph (C)(2) a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.

2. 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 under paragraph (C)(1).

3. 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.

4. 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.

5. A campground as described in Subsection 65.030(J) shall not be established in conjunction with a youth camp.

6. A youth camp shall not be allowed in conjunction with an existing golf course.

7. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

D. The youth camp shall be located on a lawful parcel that is:
1. 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.

2. 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:

   a. The proposed setback will prevent conflicts with commercial resource management practices;

   b. The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

   c. The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

3. 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.

E. A youth camp may provide for the following facilities:

1. 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.
2. 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.

3. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.

4. Up to three camp activity buildings, not including primary cooking and eating facilities.

5. 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.

6. Covered areas that are not fully enclosed.

7. 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.

8. An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

9. 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.

F. A proposed youth camp shall comply with the following fire safety requirements:

1. The fire siting standards in Article 76;

2. A fire safety protection plan shall be developed for each youth camp that includes the following:
   a. Fire prevention measures;
   b. On site pre-suppression and suppression measures; and
   c. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

3. Except as determined under paragraph (F)(4), a youth camp's on-site fire suppression capability shall at least include:
a. A 1000 gallon mobile water supply that can access all areas of the camp;
b. A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
c. A sufficient number of fire-fighting hand tools; and
d. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

4. 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.

5. The provisions of paragraph (F)(4) 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.

G. 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 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.

65.070 – LAND DIVISIONS

A. The minimum parcel size for new forest parcels is 80 (eighty) acres.

B. New land divisions less than the parcel size in Subsection (A) may be approved for any of the following circumstances:

1. For the uses listed in the following subsections provided that such uses have been approved pursuant to section 65.040 and the parcel created from the division is the minimum size necessary for the use.

   a. 65.020(J)(4)(b). 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.

   b. 65.020(J)(3)(d). Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.
c. 65.020(J)(1)(h). Log scaling and weigh stations

d. 65.020(J)(3)(g). Permanent facility for the primary processing of forest products subject to 65.030(L).

e. 65.020(J)(3)(h). Permanent logging equipment repair and storage.

f. 65.020(J)(4)(c). Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under paragraph 65.020(J)(6)(e) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

g. 65.020(J)(6)(c). Television, microwave and radio communication facilities and transmission towers.

h. 65.020(J)(6)(e). Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

i. 65.020(J)(6)(f). Reservoirs and water impoundments.

j. 65.020(J)(6)(g). 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.

k. 65.020(J)(6)(h). Commercial utility facilities for the purpose of generating power subject to Subsection 65.030(G).

l. 65.020(J)(7)(c). Aids to navigation and aviation.

m. 65.020(J)(7)(d). Firearms training facility as provided in ORS 197.770(2).

n. 65.020(J)(7)(e). Fire stations for rural fire protection.

o. 65.020(J)(7)(f). Cemeteries.

p. 65.020(J)(7)(g). Public parks subject to Subsection 65.030(I).

q. 65.020(J)(7)(h). Private parks and campgrounds subject to Subsection 65.030(J).

2. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

a. 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
b. 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:

[1] Meets the minimum land division standards of the zone; or

[2] Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

3. 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 (A). 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 (A) in order to conduct the forest practice. Parcels created pursuant to this subsection:

a. Are not eligible for siting of a new dwelling;

b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

d. Shall not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

[1] Facilitate an exchange of lands involving a governmental agency; or

[2] Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

4. To allow a division of a lot or parcel zoned for forest use if:

a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

b. Each dwelling complies with the criteria for a replacement dwelling under paragraph 65.030(D)(1);

c. Except for one parcel, each parcel created under this paragraph is between two and five acres in size;

d. At least one dwelling is located on each parcel created under this paragraph; and
e. 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.

5. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.

C. A lot or parcel may not be divided under paragraph (B)(4) 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.

D. Restrictions

1. An applicant for the creation of a parcel pursuant to paragraph (B)(2) 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 (B).

2. 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.

E. A landowner allowed a land division under Subsection (B) 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.

F. 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, Detached Living Space, or home occupation from the parcel on which the primary residential use exists.

G. 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:
1. If the parcel contains a dwelling, it must be large enough to support continued residential use.

2. If the parcel does not contain a dwelling:
   a. It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
   b. It may not be considered in approving or denying an application for any other dwelling;
   c. 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
   d. 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.

65.080 – DEVELOPMENT STANDARDS

The following standards will apply, as appropriate, to all development and land divisions within this zone:

A. Lot size and shape – See Article 71
B. Building and accessory heights, setbacks, yards – See Article 72
C. Stream setbacks – See Article 72
D. Fences, walls, and screens – See Article 73
E. Signs – See Article 74
F. Parking - See Article 75
G. Wildfire - See Article 76
H. Access – See Article 81
I. Erosion and sediment control - See Article 83
J. Water standards – See Article 84
K. Utilities – See Article 85
L. Solid waste – See Article 86
M. Aggregate mining and processing – See Article 91
N. Home occupations – See Article 92
O. Archaeological resources – See Article 93
P. Historic resources – See Article 94
Q. Hydroelectric facilities – See Article 95
R. Destination resort – See Article 96
S. Parks, playgrounds, and campgrounds – See Article 98
T. Flood hazard overlay – See Article 69.1
U. Deer overlay – See Article 69.2
V. Wild and scenic rivers overlay – See Article 69.3
W. Airport overlay – See Articles 69.4 and 101.5
X. Lighting – See Articles 75 and 77