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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)
Comprehensive Plan and) ORDINANCE NO. 2008-09
Development Code to Update)
for Legislative Changes and)
Local Requirements)

WHEREAS the Board of Commissioners has adopted a Comprehensive Plan for Umatilla County and also has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS the Oregon Legislature has adopted a number of statutes that necessitate the update of the Umatilla County Land Development Ordinance and the Comprehensive Plan;

WHEREAS the Planning Department staff drafted a number of updates to the code, including the deletion of EFU-10, -20 and -40 zone designation; addition allowing 80 acre EFU zoned parcels; new definitions; additions of farm exempt building zoning permits; revision of land division process, and also updates to several chapters of the Comprehensive Plan;

WHEREAS the Umatilla County Planning Commission held a number of public hearing regarding the proposed amendments, beginning January 24, 2008, and continued to February 28, 2008, March 13, 2008 and March 27, 2008;

WHEREAS at its March 27, 2008, the Planning Commission decided to bifurcate the proposed changes, referring the deletion of EFU-10, -20 and -40 zone designations to department staff for further revision and with a possible go-below exception, and forwarding the remaining proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on May 29, 2008, continued to June 16, 2008, to consider the proposed amendment, and voted to approve the amendments to the Land Development Ordinance and Comprehensive Plan, as proposed by the Planning Commission, with changes resulting from evidence submitted at the hearing.

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

§ 152.545 ZONING PERMIT REQUIRED TO ERECT, MOVE, OR ALTER SIGNS; EXEMPTIONS; PERMITTED SIGNS.

(A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise.

(B) Permitted signs in the various zones are indicated by the following tables (for types of signs, see §152.546):

Zone	Types Permitted
EFU-10, EFU-20, EFU-40	2, 3, 4, 5, 6
EFU, <u>GF</u>	2, 3, 4, 5, 6
UC	2, 3, 4, 5, 6
RR-2, RR-4, <u>RR-10</u>	2, 3, 4, 5, 6
MUF 10, FR-5	2, 3, 4, 5, 6
MR	1, 2, 3, 4, 5, 6
CRC	2, 3, 4, 5, 7, 8, 9, 10, 11
RSC, <u>RRSC</u>	2, 3, 4, 5, 7, 8, 9, 10, 11
TC	3, 4, 5, <u>6</u> , 7, 8, 9, 10, 11, 12
<u>RTC</u>	<u>3, 4, 5, 6, 7, 8, 9, 10, 11, 12</u>
AB	3, 4, 5, 7, 8, 9, 11
LI	3, 4, 5, 7, 8, 9, 10, 11, 12
<u>RLL, LRLI</u>	<u>3, 4, 5, 7, 8, 9, 10, 11</u>
<u>HL, RHL, LRHI</u>	3, 4, 5, 7 , 8, 9, 10 , 11
FU-10	2, 3, 4, 5, 6

§ 152.650 SUBDIVISION OF LAND IN CERTAIN ZONES PROHIBITED UNLESS REQUIREMENTS FULFILLED.

The subdivision of land zoned EFU, EFU-20, EFU-10, and GF shall not be allowed ~~unless the division of the land fulfills the requirements of the duly attested will or by a court that so orders that the land be divided to satisfy a court decree.~~

§ 152.003 DEFINITIONS

BIOFUEL means liquid, gaseous or solid fuels derived from biomass.

BIOMASS means organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk.

(2) Wood material from hardwood timber described in ORS 321.267 (3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS chapter 459 or 459A;

(6) Yard or wood debris collected as provided under ORS chapter 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been

treated with creosote, pentachlorophenol, inorganic arsenic or other inorganic chemical compounds.

FARM USE. (as defined in ORS 215.203)

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE ~~includes the preparation of and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise.~~

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. It 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 in subdivision (3) of this definition or land as defined in ORS 321.267 (3) or 321.824 (3).

(2) **CURRENT EMPLOYMENT OF LAND FOR FARM USE** means:

(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 subdivision (2)(d) of this definition, 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 or 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) ~~Land under buildings supporting accepted farming practices;~~ Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283 (2)(a):

(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 the 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 the paragraph, illness includes injury or infirmity whether or not such illness results in death;

(j) Any land described under ORS 321.267 (3) or 321.824 (3); and

(k) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing and:

(l) Land used for the processing of farm crops into biofuel, as defined in §152.003 as Biofuel, if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(iii) The landowner is custom processing crops into biofuels from other landowners in the area for their use or sale.

(3) **CULTURED CHRISTMAS TREES** means trees are:

(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.

(4) **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.

§ 152.043 STATUTORY PROVISIONS CONCERNING FARM USE ZONES.

(A) Zoning ordinances may be adopted to zone designated areas of land within the county as Exclusive Farm Use Zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213 or 215.284. Farm Use Zones shall be established only when such zoning is consistent with the Comprehensive Plan.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. refer to the definition of FARM USE as stated in §152.003.

~~**ACCEPTED FARMING PRACTICE.** 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.~~

~~**CULTURED CHRISTMAS TREES.** Trees which are:~~

~~(1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;~~

~~(2) Of a species for which the Department of Revenue requires a "Report on Christmas Trees Harvested" for purposes of ad valorem taxation;~~

~~(3) 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~~

~~(4) 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.~~

~~CURRENT EMPLOYMENT OF LAND FOR FARM USE~~ means:

~~(1) Farmland, the operation or use of which is subject to any farm-related government program;~~

~~(2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;~~

~~(3) Land planted in orchards or other perennials, other than land specified in subdivision (4) of this definition, prior to maturity;~~

~~(4) 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;~~

~~(5) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or 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;~~

~~(6) Land under buildings supporting accepted farming practices;~~

~~(7) Water impoundments lying in or adjacent to and in common ownership with farm use land;~~

~~(8) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of the land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.~~

~~(9) 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 the paragraph, illness includes injury~~

~~or infirmity whether or not such illness results in death;~~

~~(10) Any land described under ORS 321.267(1)(c) which is used for the growing of cultivated hardwoods for pulpwood production; and~~

~~(11) Any land in an exclusive farm use used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming (ORS 321.415(5)).~~

~~FARM USE. (as defined in ORS 215.203) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE includes the preparation of and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. 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. It 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 in subdivision (3) of this definition or land as defined in ORS 321.267(1)(c), used for the growing of hardwood timber for paper pulp, or ORS 321.415(5). (ORS 215.203)~~

§152.102 USES PERMITTED

A. Uses permitted outright.

In a NR Zone, the following uses and their accessory uses are permitted without a

zoning permit, pursuant to §152.027: farm use, as defined in ORS 215.203 and set out in §152.04303, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

§ 152.116 USES PERMITTED.

(A) *Uses permitted outright.* In a U-C Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § 152.04303, except livestock feed yards and sales yards, hog or poultry farms, and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(9). For the purpose of this section, **FARM USE** includes customary accessory uses (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators, or personal use chemical storage facilities);

§ 152.131 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-2 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.04303, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwelling and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

§ 152.156 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-4 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.04303, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a)

§ 152.161 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §152.027:

(1) Farm use, as defined in ORS 215.203 and set out in §152.04303, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

§ 152.171 USES PERMITTED.

(A) *Uses permitted outright.* In a MUF-10 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.04303, excluding *except* livestock feed yards, mink farms, poultry farms, and the raising of hogs;

§ 152.216 USES PERMITTED.

(A) *Uses permitted outright.* In an FR

Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.04303, excluding except livestock feed yards, mink farms, poultry farms, and the raising of hogs;

§ 152.261 USES PERMITTED.

(A) *Uses permitted outright.* In a CRC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.04303, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

§ 152.059 LAND USE DECISION

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§153.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§152.025) is necessary to finalize the decision.

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

§ 152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 153.769), subject to the requirements of this section, the applicable criteria in §§152.010 through 152.617 and §§152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to §152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed Oregon Administrative Rules, Chapter 660, Division 033.

(A) Commercial activities in conjunction with farm uses but not including the processing of farm crops including the processing of farm crops into biofuel not permitted under pursuant to ORS 215.283 (1) (a) §152.059.

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

(I) EFU CONDITIONAL USES

(B) *Commercial Activities in Conjunction with Farm Use.*

Commercial activities that are in conjunction with farm use, including but not limited to, processing of farm crops into biofuel, public grain elevators, commercial use feedlots, livestock sale yards, commercial agricultural chemical storage tanks and agricultural products for sale commercially, provided that:

(1) The activity is compatible with adjacent farm, forest, rural residential or multiple use uses;

(2) The activity is situated upon generally unsuitable land for production of farm crops considering, but not limited to, vegetation, location, terrain, adverse soil or land conditions, drainage and flooding, and size of the tract;

(3) Does not materially alter the stability of the overall land use pattern of the area;

(4) The activity has access to a major state, county or public road which is improved to an acceptable county standard or has access to a rail line;

(5) Be located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to farm dwellings or rural or multiple use zones. A buffer or setback area from adjacent properties may be required to reduce possible detrimental effects. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factors that may affect the livability of such proposed use of the agriculture of the area;

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

(7) Takes the least possible amount of agricultural land out of production;

(8) The operation complies with all applicable air, noise and water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained;

~~(9) Commercial activities in conjunction with farm use does not include the processing of farm crops.~~

(10) (9) Complies with other conditions as deemed necessary.

§ 152.025 ZONING PERMIT.

(A) Prior to the construction, reconstruction, addition to or change of use of a structure, or the change of use of a lot, or the installation or replacement of a mobile home on a lot, a zoning permit shall be obtained from the County Planning Department. Within the flood

hazard area, a zoning permit shall be required for all other developments including placement of fill, mining, paving, excavation or drilling. Structures of 120 square feet or less in area ~~and structures described in §152.026~~ do not require a zoning permit except when located in a designated flood hazard area. A zoning permit shall be voided after one year unless construction has commenced. The Planning Commission or its authorized agent may extend the permit for an additional period not to exceed one year upon written request. An amended zoning permit must be obtained when changes to an approved zoning permit occur. Changes include, but are not limited to, the size of the proposed structure, relocation of a structure or changes in the model year of a proposed manufactured home, etc.

§ 152.026 EXEMPTIONS FOR FARM/FOREST USE.

In Farm the Agriculture and Grazing-Forest Plan Designations Zones, ~~EFU, EFU-40, EFU-20, EFU-10, and GF~~, agriculture, grazing, horticulture, the management, growing and harvesting of forest products, or other farm and forest uses allowed in these zones areas shall be exempt from the provisions of this chapter (i.e. shall be allowed outright ~~without a zoning permit, except as otherwise provided in the EFU-10 Zone~~). This exemption does not include farm-related dwellings, which are allowable only as provided in each zone. Likewise, all accessory structures for agricultural, forestry, and grazing activities must comply with the development standards of this chapter for the zone in which the site is located. ~~Most such structures are exempted per ORS 455.315 from the requirement of obtaining a building permit; however, a free farm exempt permit must be obtained from the Planning Department and filed with the Building Official prior to the construction of any such accessory structure. A zoning permit and building permit must be obtained for all accessory structures which do not qualify for the statutory exemption (see § 152.003 for definitions of "agriculture use," "forest use," and "grazing").~~

§ 152.027 ZONING PERMIT NOT REQUIRED FOR FARM USE. [~~Delete Section~~]

~~Where this chapter allows for farm use as defined by ORS 215.203 and set out in § 152.003, or allows certain portions of farm uses as defined by ORS 215.203, without a zoning permit, the Planning Director or his authorized agent shall require a person applying under this section to sign an exemption form stating that the use will conform with the requirement for farm use as defined and will comply with other specific requirements of this chapter.~~

§ 152.056 USES PERMITTED OUTRIGHT.

In an EFU zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §152.007 and 152.027:

(A) Farm use, as defined in ORS 215.203 and set out in §152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), which are permitted subject to approval of a ~~farm exempt zoning~~ permit per §152.057026.

§ 152.057 USES PERMITTED WITH A FARM EXEMPT PERMIT. [~~Delete Section~~]

~~In an EFU zone, non-inhabited "agricultural buildings," including but not limited to workshops, machine sheds, barns, storage sheds, on farm grain storage elevators or bins, which qualify for an exemption from building permits pursuant to ORS 455.315 are permitted upon issuance of a farm exempt permit, subject to the submittal of a site plan and description of the proposed structure or use. No fee shall be assessed for a farm exempt permit; however, all~~

~~other standards of this chapter shall apply to structures and uses approved as farm exempt.~~

§ 152.082 USES PERMITTED WITH A FARM EXEMPT PERMIT.

(A) In a GF zone, the following structures and uses are permitted upon issuance of a farm exempt permit, pursuant to § 152.026, and subject to the submittal of a site plan and description of the proposed structure or use.

(1) Non-inhabited "agricultural buildings" including but not limited to workshops, machine sheds, corrals, pens, barns, storage sheds, on-farm grain storage elevators or bins, which qualify for an exemption from building permits pursuant to ORS 455.315.

(B) ~~No fee shall be assessed for a farm exempt permit. However, all other standards~~ Standards of this chapter shall apply to structures and uses approved as farm exempt part of an agricultural operation.

§ 152.059 LAND USE DECISION

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§153.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§152.025) is necessary to finalize the decision.

~~(I) Creation of, restoration of or enhancement of wetlands.~~

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

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

In an EFU zone, the following uses and their accessory uses are permitted upon the

issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and the regulations in §§ 152.010 through 152.017 and §§ 152.545 to 152.577:

(N) Creation of, restoration of or enhancement of wetlands.

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

§ 152.062 PARCEL SIZES.

In an EFU zone, the following standards shall apply for the creation of new parcels:

(A) *Farm parcels.* Parcels of 160 acres or larger may be established through the Type IV process listed in §152.710 (B), Type IV, Review I Land Division application process. An 11% standard deviation allowance is provided outright to compensate for irregularities due to the government land survey system, roads and other rights of way

(B) Farm parcels. Parcels of 80 to 160 acres may be established through §152.710 (C), Type IV, Review II Land Division application process. Parcels less than 80 acres may be established through §152.710 (C), Type IV, Review II Land Division application process if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9)

(B) (C) *Creation of a non farm dwelling parcel.* A parcel may be established for a new non farm dwelling or for an existing farm related dwelling to be converted to a non farm dwelling if the proposed parcel meets the criteria in §152.059 (M)(VI) and/or (VII) and follows the procedures and complies with the standards in §§ 152.640 through 152.739 §152.710(D), Type IV, Review III Land Division application process.

(C) (D) *Creation of other non-farm and conditional use parcels.* The minimum lot area for other "non farm" uses permitted in this zone

shall be the size necessary to accommodate the use and may be established through §152.710(E), Type IV, Review IV Land Division application process. shall be based upon consideration of the following:

~~(1) Be an adequate size area necessary for the protection of public health;~~

~~(2) Will be the minimum size needed to accommodate the principal use and its accessory uses, structures, and facilities;~~

~~(3) Consider compatibility with adjoining land uses and be a size necessary to mitigate adverse impacts;~~

~~(4) Consider possible effects on the overall land use pattern of the area and immediate vicinity;~~

~~(5) Will comply with the development standards in § 152.063, and applicable standards in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and §§ 152.615 and 152.616.~~

§ 152.087 PARCEL SIZES.

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

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

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

practice. A parcel created pursuant to this division:

(1) Shall not be eligible for siting of a new dwelling;

(2) Shall not serve as justification for siting a future dwelling on other lots or parcels;

(3) Shall not result in a parcel of less than 35 acres, except:

(a) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; or

(b) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; and

(4) If associated with the creation of a parcel where a dwelling is involved, the parcel shall not be less than the minimum lot or parcel size in division (A) above.

(C) *For a non-farm dwelling on a parcel determined to have a predominate agricultural use as of January 1, 1993.* A parcel may be established for a new non-farm dwelling or for an existing farm-related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in §§152.059(F)(6) (M)(VI) and/or (VII) (7), following and complying with the standards and procedures in §§152.640 through 152.739 §152.710(d), Type IV, Review III Land Division application process.

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

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

acres;

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

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

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

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

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

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

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

~~(1) Be an adequate size area necessary for the protection of public health;~~

~~(2) Will be the minimum size needed to accommodate the principal use and its accessory uses, structures, and facilities;~~

~~(3) Consider compatibility with adjoining land uses and be a size necessary to mitigate adverse impacts;~~

~~(4) Consider possible effects on the overall land use pattern of the area and immediate vicinity, including fire hazard and costs of fire suppression and risks to fire suppression personnel;~~

~~(5) Will comply with the development standards in § 152.063 and applicable standards in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and §§ 152.615 and 152.616.~~

§152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.

(A) *Type IV Land Division review and approval matrix system.* Review and approval of a Type IV Land Division shall be divided into four types of reviews. The following table shall be used to identify what type of review is to be used:

<i>Land Use Type Types of Land Use</i>	<i>Parcel Size To Be Created Through a Land Division</i>		
	<i>Creating a Parcel 160 acres +</i>	<i>Creating a Parcel 80 - 160 acres Less Than 160 acres</i>	<i>Creating a Parcel Less Than 20 80 acres</i>
Continued resource use in EFU Zone	Review I, with or without a dwelling <i>and the requirements of the Critical Winter Range (CWR) Overlay if applicable</i>	Review II; Level I with or without a dwelling, Level II income test (no dwelling allowed), Level III naturally bounded parcel (no dwelling allowed) <i>and the requirements of the CWR Overlay if applicable</i>	⊗ <i>Review II if located within an approved "go-below" area per OAR 660-033-0100</i>
Continued resource use in GF Zone	Review I, with or without a dwelling <i>and the requirements of the CWR Overlay if applicable</i>	Review III (no dwelling allowed) <i>Does Not Apply</i>	⊗ <i>Does Not Apply</i>

<i>Land-Use Type Types of Land Use</i>	<i>Parcel Size To Be Created Through a Land Division</i>		
	<i>Creating a Parcel 160 acres +</i>	<i>Creating a Parcel 80 - 160 acres Less Than 160 acres</i>	<i>Creating a Parcel Less Than 20 80 acres</i>
Continued resource use in identified critical winter range	Review I and the requirements of the CWR Overlay	Review II or III and the requirements of the CWR Overlay	✕
Nonresource (EFU or GF Zone) new or existing dwelling	✕ <i>Does Not Apply</i>	✕ <i>Does Not Apply</i>	Conditional use permit with required first then Review I <i>Review III Level I for parent parcels greater than 160 acres and meets the non-farm dwelling criteria;</i> <i>Review III, Level II for parent parcels 40 to 160 acres and meets the non-farm dwelling criteria</i>
Nonresource (EFU or GF Zone) uses other than dwellings	Conditional use permit required first then Review I <i>IV</i>	Conditional use permit required first then Review I <i>IV</i>	Conditional use permit required first then Review I <i>IV</i>

(B) *Review I. The following review Review and approval standards of a Type IV, Review I application shall be as follows is for the creation of parcels equal to or greater than 160 acres, within a resource zone and/or identified Critical Winter Range with or without a new or existing dwelling:*

(1) The procedure for reviewing a Type IV, Review I, *Land Division* application and the technical standards for submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.680 through 152.683, and §§ 152.685 and 152.686.

(2) If the partition is a requirement of an approved conditional use, *land use decision* or variance request where notice has already been given to surrounding property owners, the

property owner and agency notification does not have to be repeated, as long as the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

(3) Criteria for approval of a *Type IV Review I Land Division application*.

(a) The proposed division complies with the applicable policies in the Comprehensive Plan and this Development Code which include, but are not limited to:

1. Preserves agricultural lands and agricultural uses as intended in ORS 215.243 and Policy 3 of the agricultural policies for the county; and for those areas designated grazing/forest on the Comprehensive Plan Map meets the criteria above as well as preserves

forest lands for forest uses as intended by Policies 1, 2 and 4 in the grazing/ forest policies for the county.

2. Meets the minimum for road frontage, yard setbacks, stream setbacks, road and/or easement standards, if a dwelling is proposed.

3. Is either for the purpose of farm use as defined by ORS 215.203(2) and set out in §152.003 or forest use as described in Policy 2 of grazing/forest policies for the county.

4. All parcels created will be 160 acres or larger or be combined with adjacent lands.

5. The proposed division is a result of the requirements of an approved conditional use request or variance request.

(b) Findings of compliance with the criteria listed in subdivision (3)(a) of this division shall be determined as complying with ORS 215.243.

(C) *Review II.* The Review II process is for the creation of parcels less than 160 acres and is divided into three different levels of review and are referred to as Level I, Level II and Level III. Review of a Review II application for all three levels shall include the following: The following review and approval standards of a Type IV, Review II Land Division application is for the creation of parcels equal to or greater than 80 acres, within the EFU zone and/or identified Critical Winter Range. Parcels less than 80 acres may be established if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9)

(1) The procedure for reviewing a Type IV, Review II, application and the technical standards for submittal of the Type IV, Review II Land Division application shall be the same as that for a Type II Land Division application, and are therefore subject to §§ 152.680 through 152.683 and §§ 152.685 and 152.686.

~~(2) If the partition is a requirement of an approved conditional use or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long as the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval. The procedure for processing a Type IV, Review II, Land Division application shall follow the standards set forth in §152.643(D) and §152.645(B).~~

(3) Criteria for approval of a Type II, Review II Land Division application (Note: Approval of a Type IV, Review II Land Division will not qualify new parcels for a farm dwelling; farm dwellings must qualify under Section 152.059(M)): shall be as follows for each of the three levels:

~~(a) Level I. The Level I review criteria has two different inventory tests that must be conducted. For a majority of the land zoned EFU a circular area review is conducted. However, in the drainages identified in finding and Policy 5 of the agricultural policies for the county, a linear area review is conducted.~~

~~1. Circular area review to create parcels without any dwellings requires an inventory of 50 parcels surrounding the subject parcels larger than 20 acres and outside areas for which an exception has been taken, and outside an identified linear review area a proposed division will be determined to be appropriate to continue the existing commercial agriculture in the area if the resultant parcels are typical of the predominant (at least 51%) parcelization pattern of the area; or~~

~~2. Circular area review where a farm dwelling is proposed or exists on the proposed parcel or parcels requires an inventory of 50 surrounding commercial farm units as described in Oregon Administrative Rules 660-05-015(6)(a) and (7). A parcel and dwelling will be allowed where the subject parcel is typical~~

of the predominant (at least 51%) commercial farm unit pattern and where irrigation/water availability, soils, climatic conditions and/or topography are found to facilitate or continue intensive commercial agricultural enterprises in the area.

3. Linear area review involves a similar type review as the circular area review above except that for parcels where no dwelling is proposed an inventory is required of 50 adjoining parcels or adjoining parcels within two miles of the subject parcel, whichever is less, located within the drainage area and are larger than 20 acres and located outside of areas for which an exception has been taken (e.g. the review would involve 50 parcels of land within the drainage or for a maximum of two miles away from the parcel, but remaining in the drainage (see Comprehensive Plan Map of drainage areas for linear review). A property division will be determined to be appropriate to continue the existing commercial agriculture in the area if the resultant parcels are typical of the predominant (at least 51%) parcelization pattern within the review area; or

4. Linear area review to create parcels where a farm dwelling is proposed or exists requires an inventory of 50 surrounding farm units or commercial farm units within two miles, whichever is less as defined in Oregon Administrative Rules 660-05-015(6)(a) and (7). A parcel and dwelling will be allowed where the subject parcel is typical of the predominant (at least 51%) commercial farm unit pattern and where irrigation/water availability, soils, climatic conditions and/or topography are found to facilitate or continue intensive commercial agricultural enterprises in the area.

5. Each such land division, whether in a circular area review or linear area review, shall meet the requirements of ORS 215.243.

6. Each such land division, whether in a circular area review or linear area review, shall be of a size and/or shape that will

not materially reduce or eliminate its use for agriculture considering sufficient access for equipment and efficient movement of farm equipment upon the subject parcel.

(a) The partition will preserve and maintain farm use consistent with Oregon Agricultural Land Use Policy found in ORS 215.243.

(b) Is for the purpose of farm use as defined in §152.003.

(c) Meets the minimum frontage and access requirements.

(d) All parcels created will be 80 to 160 acres, in accordance with ORS 215.780; or, parcels less than 80 acres may be established if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9)

(b) ~~Level II.~~ The Level II review criteria is based upon a gross annual income test:

1. The parcels must have grossed an average of \$10,000 per year excluding livestock in at least two of the past six years. In the case of livestock, the parcel must have grossed an average of \$10,000 in at least two of the past three years, and evidence must be provided that the livestock used the property for a minimum of 120 days during each of the years where \$10,000 was grossed. Parcels that meet this test will be considered appropriate to continue existing commercial agriculture in the area.

2. A deed restriction will be required on parcels approved under this subdivision (b) of this division (Type IV, Review II, Level II review) prohibiting resource dwellings from locating on the parcels created. The deed restriction not to build a resource dwelling can be removed upon the recombining of the subject tax lot with one or more tax lots into one new tax lot which is consistent with the minimum lot size.

~~3. Each such division shall meet the requirements of ORS 215.243.~~

~~4. Each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering sufficient access for equipment and efficient movement of farm equipment upon the subject parcel.~~

~~(c) Level III. The Level III review criteria is based upon features of the land that preclude efficient farm management.~~

~~1. A parcel of less than 160 acres may be approved where the applicant can show that a man-made or natural feature (i.e. road, railroad tracts, bluff or uncrossable drainage) precludes the efficient management by the owner or operator of the parcel and where the parcel can be more easily or logically included in with another contiguous ownership in farm use so as to have a more efficient farm operation.~~

~~2. A deed restriction will be required on parcels approved under this subdivision (c) of this division (Type IV, Review H, Level III review) prohibiting resource dwellings from locating on the parcels created. The deed restriction not to build a resource tax lot with one or more tax lots into one new tax lot which is consistent with the minimum lot size.~~

~~3. Each such division shall meet the requirements of ORS 215.243.~~

~~4. Each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering sufficient access for equipment and efficient movement of farm equipment upon the subject parcel.~~

(D) Review III. The following review Review: and approval of a Type IV, Review III Land Division application may create, upon approval, of up to two new non-farm dwelling parcels that will be smaller than the minimum parcel size for land zoned EFU. shall be as follows:

(1) The review and approval of a Type IV, Review III Land Division application is divided into two levels:

(a) The Level I review is administered when the non-farm dwelling parcels are partitioned from a parent lot or parcel that is larger than 160 acres.

(b) The Level II review is administered when non-farm dwelling parcels are partitioned from a parent lot or parcel that is larger than 40 acres but smaller than 160 acres.

(1) (2) The procedure for reviewing a Type IV, Review III Land Division application and the technical standards for submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.680 through 152.683 and §§ 152.685 and 152.686.

(2) If the partition is a requirement of an approved conditional use or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

(3) If the partition is processed in combination with a conditional use, land use decision or variance request, where proper notice is given to the surrounding property owners, property owner and agencies, then notification does not have to be repeated, as long the notice for the conditional use, land use decision or variance request contains the partition proposal and addressed the standards for the partition approval.

(3) Criteria for approval of Review III Type IV Land Division. Review III Land Division applies in areas zoned grazing farm and involves transfer of lands between adjacent landowners. Many transfers involve parcels less than 160 acres that cannot be combined into one

tax lot for various reasons. Therefore, approval of a Review III Land Division shall meet the following:

~~_____ (a) Meet the requirements of ORS 215.243 if for grazing or agricultural purposes.~~

~~_____ (b) Meets applicable requirements of ORS 527.610 to 527.730 (Forest Practices Act provisions) if for timber management.~~

~~_____ (c) Each such parcel is contiguous with the parcel with which it is proposed to be combined.~~

~~_____ (d) Each such transfer shall be strongly encouraged to be combined with the adjacent parcel involved in the boundary adjustment.~~

~~_____ (e) If the parcel cannot be combined with the adjacent parcel because of financial or assessment rules, then a deed restriction prohibiting resource dwellings from being located on the parcel shall be required. The deed restriction not to build a resource dwelling can be removed upon the recombining of the subject tax lot with one or more tax lots into one new tax lot which is consistent with the minimum lot size.~~

(4) Criteria for approval of a Type IV, Review III, Level I Land Division application. The review criteria to create up to two new non-farm dwelling parcels from an parent lot or parcel that is larger than 160 acres.

(a) The non-farm dwellings have been approved under UCDC § 152.059 (M) (VI);

(b) The parcels for the non-farm dwellings are divided from a parent lot or parcel that was lawfully created prior to July 1, 2001;

(c) The parcels for the non-farm dwellings are divided from a parent lot or parcel that is greater than 160 acres;

(d) The remainder of the parent lot or parcel that does not contain the non-farm dwellings is 160 acres or greater; and

(e) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

(f) The parcels upon which non-farm dwellings are approved shall be disqualified from farm tax deferral program and the tax penalty shall be paid prior to final partition approval

(5) Criteria for approval of a Type IV, Review III, Level II Land Division application: The following criteria apply to an parent lot or parcel that is larger than 40 acres but less than 160 acres in size.

(a) The non-farm dwellings have been approved under UCDC § 152.059 (M) (VI);

(b) The parcels for the non-farm dwellings are divided from a parent lot or parcel that was lawfully created prior to July 1, 2001;

(c) The parcels for the non-farm dwellings are divided from a parent lot or parcel that is equal to or smaller than 160 acres, and larger than 40 acres;

(d) The remaining acreage of the parent lot or parcel, after the non-farm dwelling parcels are partitioned, is a minimum of at least 40 acres;

(e) The parcels for the non-farm dwellings are:

(i) Not capable of producing more than at least 20 cubic feet per acre per year

of wood fiber; and

(ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and is not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;

(f) The parcels for the non-farm dwellings do not have established water rights for irrigation; and

(g) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

(h) The parcels upon which non-farm dwellings are approved shall be disqualified from farm tax deferral program and the tax penalty shall be paid prior to final partition approval

(E) Review IV. The following review and approval standards of a Type IV, Review IV Land Division application are for the creation of parcels to establish non-farm uses on qualified parcels:

(1) The procedure for reviewing a Type IV, Review IV Land Division application

and the technical standards for submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.680 through 152.683 and §§ 152.685 and 152.686.

(2) If the partition is a requirement of an approved conditional use, land use decision or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

(3) Criteria for approval of Type IV, Review IV, Land Division application:

(a) A proposed division of land may be approved in an exclusive farm use zone for non-farm uses as set out in ORS 215.283 (2), except dwellings, if it finds that the parcel for the non-farm use is not larger than the minimum size necessary for the use.

(i) Be an adequate size area necessary for the protection of public health;

(ii) Will be the minimum size needed to accommodate the principal use and its accessory uses, structures, and facilities;

(iii) Consider compatibility with adjoining land uses and be a size necessary to mitigate adverse impacts;

(iv) Consider possible effects on the overall land use pattern of the area and immediate vicinity;

(v) Will comply with the development standards in § 152.063, and applicable standards in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and §§ 152.615 and 152.616.

(b) The governing body may establish other criteria as it considers necessary.

FURTHER the Board of Commissioners of Umatilla County ordains the adoption of the following amendments to the Umatilla County Comprehensive Plan:

To replace the existing Chapter VI (Agriculture), and Chapter VII (Grazing/Forest), and amend Chapter XVIII (The Plan Map) and its sections of Introduction, Land Use Classifications, North/South County Agricultural Region, West County Irrigation Districts, Special Agriculture, and Orchards District:

Chapter VI, AGRICULTURE

Umatilla County agriculture contributes about 100 million dollars in annual income to the county and supports local food processing, transportation, trade, and service employment and payrolls.7 The County's agricultural sector has consistently ranked among the top ten Oregon counties in total agricultural productivity; and for the three year period from 1975-77, as irrigated crop land came into production, ranked at least third in the state. Contributing to this strong agricultural economy is the diversity of farming activities which includes the production of cultivated crops (e.g. wheat, barley, oats, corn, canola), field and truck crops (e.g. potatoes, green peas, asparagus, melons), hay and silage feeds (e.g. alfalfa, corn, pea vines), fruit products (e.g. apples, cherries, prunes, peaches, apricots, grapes), and an extensive livestock industry raising cattle and calves, hogs and pigs, sheep and lambs, and chickens and turkeys.

Besides being the largest industry in this county and second largest industry in Oregon, agriculture creates a rural atmosphere greatly desired by many city, rural, and regional people. A comprehensive plan considers agriculture as an irreplaceable natural resource. Its wise use is of as much importance as other resources.

FINDINGS

1. Agriculture is important economically in Umatilla County and to the state.

2. Inventory review and local testimony identifies several

categories of agriculture in the county: (a) North/ South County Agricultural Region; (b) West County Irrigation District; (c) Special Agriculture; and (d) Orchards/Forks of Walla Walla River District.

3. Examination of past development patterns in farm areas, review of development costs (including drilling a domestic well, costs of land, septic tank installation, dwelling costs), a look at field pattern sizes, farm management unit sizes, tax lot and ownership patterns in the agriculture inventory, in the North/South County Agricultural Region lead to the conclusion that parcels of 160 acres and larger will continue the existing commercial agriculture enterprises in most of this county agricultural region. Also, these sizes are farm-sized related and the creation of new parcels of this size or larger will not attract nor encourage non-farm dwelling development. Also parcel divisions of less than 160 acres for strictly farming purposes are sometimes required and other times desired by dryland wheat farmers, livestock ranchers and irrigated farming interests to facilitate continued management on a variety of existing field pattern and farm management unit sizes and to maximize the number of management options (e.g. estate planning, financing, lease arrangements, land trades etc.) that are now taking place, and that would be restricted by one strict minimum parcel size requirement.

4. ~~Because of disjointed ownerships,~~ Dwellings customarily provided in conjunction with farm use are ~~not always found on parcels~~

~~larger than 160 acres can be found on a variety of parcel sizes.~~

5. The county recognizes that parcel divisions of less than 160 acres for a variety of farm management reasons may continue the existing commercial agricultural enterprises in the North/South County Agricultural Regions ~~and dwellings customarily provided in conjunction with farm use may be allowed. To assure that these divisions will maintain such agricultural enterprises, clear and concise policies, procedures and standards will be required. For most of the North/South County Agricultural Region, a circular area will be appropriate to determine if a parcel of less than 160 acres will be appropriate to continue the existing commercial agricultural enterprises of the area. However, there are drainage areas in the county where a linear review would best represent the agricultural activities that occur. Those areas include: Umatilla River, Butter Creek, McKay Creek, East Birch Creek, Birch Creek, Wildhorse Creek, and Couse Creek. Other areas may be identified and added to this list through a plan amendment.~~

6. ~~Circumstances may exist where parcels may be appropriate to continue existing agriculture in the area not covered by review processes as described in Policy #5 above.~~

It is recognized that rural non-farm dwellings are

desirable in the County. Rural non-farm housing must be placed in a manner not to negatively impact acceptable farming practices.

7. Relatives are often needed on the farm to assist in the overall farming operations and usually require a separate dwelling.

8. Many of The non-farm uses allowed in ORS 215.283~~284~~ exist in the county and new ones can be accommodated without major conflict in most of the county's agricultural regions.

~~9. Upon examination of non-farm uses allowed in ORS 215, it became clear that not all of them would be compatible or desirable in all farming areas of the county (e.g. uses that increase potential incompatibilities). For example, schools generate large groups of people on the same days when farming activities occur, whereas churches attract people on days when farming practices are not necessarily occurring.~~

~~10. Non-Farm residences dwellings are often are found to conflict with agricultural uses. They should conform to area activities, not place unnecessary burdens upon public facilities and services, and take up the least amount of area as possible.~~

~~11. 10. Rural or non-farm housing dwellings often takes good farmland out of production; however, it is~~

difficult to define what good farmland is as evidenced by recent legislation (marginal lands) attempting to broaden the very tight parameters of the SCS Soil Classification System used to define agricultural lands.

~~12. 11. It is recognized that rural housing non-farm dwellings in farm areas might create a variety of problems (e.g. complaints of noise, dust, chemicals, etc. related to generally accepted farming practices).~~

~~13. 12. Some farm homes dwellings have the potential of becoming non-farm homes dwellings.~~

~~14. In the Orchards District Forks of the Walla Walla Area, where farm and development densities are greater than in most agricultural districts of Umatilla County, several special policies regarding homesteads creation (converting existing farm homes into retirement non-farm dwellings) and the siting of new non-farm dwellings, are necessary to protect the integrity of the unique agricultural district~~

~~15. 13. The supply of irrigation ground water may be is diminishing in several locations in the county.~~

~~16. 14. Irrigated farming affords greater diversified crop and animal production, thereby requiring new support/processing facilities.~~

1715. Federal and state action policies greatly influence irrigation water availability and supporting agri-industry sittings.

1816. Although slowly recovering, past overgrazing by has resulted in deterioration of the County's lower elevation range lands.

1917. Forest management (e.g. timber harvesting) does some seasonal grazing lands or creek bottom lands designated agricultural, and those lands can play a significant role in contribution to the overall county timber supply

2018. Often times land used for security in mortgages requires less than the minimum lot size in agricultural areas which makes it cumbersome for the property owner to obtain approval and for the county to keep records. It is not necessary for a separate parcel to be created for mortgage purposes. Oregon Statutes (ORS 92) exempt divisions of lands resulting from lien foreclosures from land partitioning requirements. Therefore, it is not necessary for a landowner to create a new parcel of land for mortgage purposes; rather, a release of any prior security interest in property may be given to a lending institute without creating a new lot.

RECOMMENDED POLICIES

1. Umatilla County will

protect, with Exclusive Farm Use zoning pursuant to ORS 215, lands meeting the definition of farmland in this plan and designated as Agricultural on the Comprehensive Plan Map

2. Establish four agricultural designations with several types of management regulations to protect and maintain the existing agricultural economy character of the county.

The following ~~EFU~~ zones Comprehensive Plan Designations are identified and corresponding preservation measures listed (see Plan and Zoning Map for locations of agricultural designations and EFU zone types):

(a) North/South County Farm Agricultural Region ~~Matrix review system~~ -160 acre minimum parcel size;

(b) West County Irrigation District - 40 acre minimum ~~lot~~ parcel size;

(c) Special Agriculture ~~Exclusive Farm Use~~ -20 acre minimum ~~lot~~ parcel size and density;

(d) Orchards District/Forks of Walla Walla River District - 10 acre minimum ~~lot~~ parcel size and density.

3. To allow the flexibility of management options, to continue the existing commercial agricultural enterprises in a given area, and to assure that non-farm activities will not be encouraged, a flexible review called a "matrix system" shall

be created that requires appropriate standards and review procedures for a variety of parcel division purposes and development situations. The policies on which the matrix system is designed are described below:

(a) New parcels of 160 acres or larger are appropriate to continue the existing commercial agricultural enterprises in those areas designated North/South County Agricultural Regions.

(b) ~~New parcels of less than 160~~ equal to or greater than 80 acres may be authorized when found to be appropriate to continue the existing commercial agricultural enterprise in the North/South County Agricultural Region,

(c) Dwellings customarily provided in conjunction with farm use ~~will~~ may be allowed on parcels of 160 acres or larger and may be allowed on parcels of less than 160 acres provided that the parcel can be shown to satisfy the requirements of Policy #4.

~~(d) New dwellings proposed on parcels of less than 20 acres in the North/South County Agricultural Region shall be considered non-farm dwellings and must meet the standards and criteria in ORS 215.283 (3) (non-farm dwellings criteria) and ORS 215.236 (farm tax disqualification).~~

4. Dwellings customarily

provided in conjunction with farm use shall be defined to mean:

(a) A dwelling located on a parcel of at least 160 acres ~~under contiguous single ownership~~ containing a predominance of non-high value soils in farm use;

~~(b) A dwelling located on a parcel of land where the owner of the parcel owns noncontiguous land of at least 160 acres in farm use;~~

(b) A dwelling located on a parcel less than 160 acres containing a predominance of non-high value soils in farm use where the Income Test is met as found in the Development Code.

~~(c) A dwelling located on a parcel where the parcel is shown to be a commercial farm unit as described in OAR 660-005-015 (6) (a) 033-135 satisfying the inventory requirements of Policy #5.~~

(c) A dwelling located on a parcel containing a predominance of high value soils in farm use where the Income Test is met as found in the Development Code.

5. Farm divisions under 160 acres in the North/South County Agricultural Region must meet the applicable policies below and appropriate criteria and standards in the Development Code. ~~These farm divisions are divided into two inventories, a circular area review inventory~~

~~for a majority of land within the North/South County Agricultural Region, and a linear review for the seven drainage areas listed in the finding.~~

~~A. Circular Area Review review involves separate evaluations in the North/South County Agricultural Regions excluding parcels within the seven drainage areas (linear review areas) for: 1) parcels appropriate to continue existing commercial agriculture in the area; 2) for the siting of a dwelling customarily provided in conjunction with farm use on a commercial farm unit.~~

~~The commercial farm parcel evaluation requires an inventory of 50 parcels. Surrounding the subject property larger than 20 acres outside areas for which exceptions have been taken. The property division will be determined to be appropriate to continue the existing commercial agriculture in the area if the resultant parcels are typical of the predominant (at least 51%) parcelization pattern of the area. Each such division shall meet the requirements of ORS 215.243 (state agricultural land use policy) and each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering:~~

- ~~1. Sufficient access for equipment,~~
- ~~2. Efficient movement of farm~~

~~equipment upon the subject parcel.~~

~~Farm dwelling evaluation requires an inventory of 50 surrounding commercial farm units as described in OAR 660-05-015 (6) (a) and (7). A dwelling will be allowed where the subject parcel is typical of the predominant (at least 51%) commercial farm unit pattern and where irrigation/water availability, soils, climatic conditions, and topography are found to facilitate or continue intensive commercial agricultural enterprise within the North/South County Agricultural Region.~~

~~B. Linear Area Review involves the same two evaluations as discussed above, 1) for parcels appropriate to continue existing commercial agriculture in the area, and 2) for the siting of a dwelling customarily provided in conjunction with farm use. However, the inventory within the seven drainage areas shall require the following: Commercial farm parcel evaluation shall include an inventory of 50 adjoining parcels or adjoining parcels within two miles of the subject parcel (whichever is less) located within the drainage areas larger than 20 acres and outside areas for which exceptions have been taken (as outlined on map). Each such division shall meet the requirements of ORS 215.243 (state agricultural land use policy) and each such division~~

~~shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering:~~

- ~~1. Sufficient access for equipment,~~
- ~~2. Efficient movement of farm equipment on the subject parcel.~~

~~Farm dwelling evaluation shall include an inventory of 50 commercial farm units or commercial farm units within two miles (whichever is less) located within the drainage area.~~

~~6. Farm divisions not meeting the review criteria in Policy #5 may be authorized pursuant to the following:~~

~~a. Parcels that have grossed an average of \$10,000 per year excluding livestock in at least 2 of the past 6 years are appropriate to continue existing commercial agriculture in the area. In the case of livestock, the parcel must have grossed an average of \$10,000 in at least two of the past three years, and evidence must be provided that the livestock used the property for a minimum of 120 days during each of the years where \$10,000 was grossed. Parcels that meet this test will be considered appropriate to continue the existing commercial agriculture in the area.~~

~~b. A parcel may be combined with an adjacent property in farm use into one contiguous~~

~~ownership where a finding is made indicating that a man-made or natural feature precludes efficient farm management.~~

~~c. A deed restriction prohibiting resource dwellings will be attached to parcels approved under Policy 6a and 6b. The deed restriction not to build a resource dwelling can be removed upon the recombining of the subject tax lot with one or more tax lot into one tax lot which is consistent with the minimum lot size.~~

~~d. Each such division shall meet the requirements of ORS 215.243 state agricultural land use policy).~~

~~e. Each such division shall be of a size and/or shape that will not materially reduce or eliminate its use for agriculture considering:~~

- ~~1. Sufficient access for equipment;~~
- ~~2. Efficient movement of farm equipment upon the subject parcel.~~

Non-Farm divisions under 160 acres in the County must meet the applicable policies and appropriate criteria and standards in the Development Code.

~~7. Farm related relative dwellings shall be permitted if the overall farming they dwelling meets the requirements of ORS 215.283 (1) (e) (Farmer Jones).~~

~~8. The county shall~~

require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture.

~~9. (a) Require the following outright permitted uses in ORS 215 (Exclusive Farm Use zoning laws) to the conditional use within the intensive Orchard District areas to secure neighborhood input and apply standards assuring compatibility:~~

- ~~1. Intensive livestock farming;~~
- ~~2. Churches;~~
- ~~3. Utility Facilities.~~

~~(b) In the North/South County Agricultural Regions and Special Agricultural Districts, schools shall not be allowed and churches shall be conditional uses.~~

~~10 9. Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-farm dwellings will be compatible with farming activities.~~

~~11 10. To assure that new non-farm dwellings as opposed to existing farm dwellings converted to non-farm dwellings will not remove valuable farm ground, the generally unsuitable test in ORS 215.283 (3) 284(7) (non-farm dwelling criteria) for the establishment of non-farm dwellings shall now be clearly defined as soils classified as VII and VIII~~

according to the SCS Soils Survey Classification System ~~except that if the parcel meets all the requirements of 215.283(3) (a), (b), (c) and (d), then a non-farm dwelling may be allowed on soil classified as V or VI.~~

~~12 11. Require as part of the matrix review criteria and standards that a "Covenant Not to Sue" document shall be required and recorded prior to approval of a non-farm dwelling.~~

~~13 12. When an existing farm-related dwelling is requested to be to a non-farm dwelling, the converted requirements of ORS 215.283 (3) 284(7) (non-farm dwelling criteria) and ORS 215.236 (farm tax disqualification) shall be met. However, existing farm dwellings converted to non-farm dwellings may be on better classified soils than required in Policy #11, provided that they meet the intent of the generally unsuitable test in ORS 215.283 284.~~

~~14. Homesteads shall be allowed in the Orchards District/ Forks of the Walla Walla Area when specific standards are met and the homestead complies with the no density provisions contained in increase the Plan Map Section of the Comprehensive Plan and the Development Ordinance.~~

~~15 13. Recognize that future irrigation water supplies will be primarily surface sources (particularly the e.g.~~

available Columbia River Water). Support feasible and storage projects including groundwater recharge and support surface irrigation projects appearing feasible.

~~16~~ 14. Ensure availability of necessary supportive services sites through allowed conditional uses in EFU zones and commercial activities allowed on industrial lands.

~~17~~ 15. Maintain continuing liaison with state and federal agencies to ensure water supplies for farming and to help coordinate other land use development related to agriculture.

~~18~~ 16. Support programs such as Soil and Water livestock conservation management practices maintain optimum forage levels.

~~19~~ 17. Continue to encourage timber management ~~on~~ to occur on lower elevation seasonal grazing as permitted in the Exclusive Farm Use Zone.

~~20~~ 18. Umatilla County will implement procedures set forth in ORS Chapter 92.

Chapter VII, GRAZING/FOREST

County grazing/forested areas are located in the northeast, east and southern parts of the county and one within the Blue Mountains. Included in this area are portions of the Umatilla Indian Reservation, and their trust lands outside the Reservation, numerous federal, state and other public lands along with private property holdings.

Grazing/forested areas make important contributions to Umatilla County. They supply much of the county's summer grazing lands for livestock, watershed areas, timber for the wood products industry, food and habitat for wildlife, outdoor recreational opportunities, and add to the county's tax base. Sound management practices and policies are needed if grazing/forested areas are to continue the important role they presently play in Umatilla County.

FINDING

1. Grazing/forested lands in Umatilla County not only contain rangeland, but also timberlands and water and aggregate resources, habitat for fish and wildlife, and qualities desirable for

recreational uses.

2. There are several other forest uses within the "mixed use" forested/open grazing land areas of Umatilla County besides those listed in Finding #1 above.

3. The mixture of timbered and open grazing lands makes it difficult to conclusively determine if the forest or agricultural goal should be applied.

4. Analysis of past development patterns, findings regarding present tax lot and ownership sizes and patterns, determination of and testimony pertaining to grazing, timber, and other forest use management needs, and studies regarding land costs and non-resource speculation issues, all lead to a conclusion that parcels of 160 acres and larger will conserve Umatilla County's Grazing/Forest areas for the present mixed use nature of grazing, agricultural and forest activities taking place in this area. Additionally, these sizes are resource-size related, and the creation of new parcels of 160 acres and larger will not attract nor encourage non-resource dwelling development. Further, dwellings sited on parcels ~~160~~ 240 acres and larger are considered accessory and necessary to forest uses.

~~5. Because disjointed ownership patterns occur in Grazing/Forest areas, dwellings customarily provided in conjunction with farm use or necessary and accessory to forest uses are not always found on parcels larger than 160 acres.~~

6 5. Testimony from resource users in the Grazing/Forest area indicates they sometimes

require or have need to divide land less than 160 acres for resource management efficiency purposes that would otherwise be restricted by one strict minimum parcel size requirement. The County also recognizes that the need for flexibility for a variety of lot sizes is not as great in the North/South County Agricultural areas. However, boundary adjustments for better resource efficiency is important and often involves parcels less than 160 acres that cannot be combined into one tax lot because of financial and/or assessment rules, procedures and preferences. Some provisions within the North/South County Agricultural Region Matrix Review System are appropriate in the Grazing/Forest areas

7 6. Resource managers of the County's Grazing/Forest areas are concerned that parcels divided into too small of a size for purposes other than resource management can create the expectation of permitting a non-resource dwelling to be sited.

8 7. Many of the compatible non-resource uses allowed in a mixed use forest area pursuant to EFU zone (ORS 215) and state administrative policies (Coos County Review, etc) can be accommodated within the County's designated Grazing/Forest areas. In fact, some of these uses exist now without reported conflicts.

~~9. Upon detailed examination of non-resource uses allowed in mixed forest areas, the County feels that schools are not compatible or desirable in Grazing/Forest areas of the County. Schools generate an assembly of people for sustained periods of time, require well-maintained roads, require locations near the people it serves, require nearby emergency services and have compatible locations where dangers are minimized, all of which are either not compatible with or amenities found in the remote Grazing/Forest areas of the County.~~

10 8. Non-resource dwellings are viewed cautiously by resource managers because they can often conflict with resource activities like those occurring in the County's Grazing/Forest area (e.g. grazing, farming timber and other forest management purposes). Non-resource dwellings can cause a variety of problems such as complaints from residents about property damage caused by livestock, timber management complaints of clear-cutting, spraying, etc. and problems over accepted farming practices such as chemical application or noise and dust caused by farm machinery. These dwellings should conform to area activities, not place unnecessary burdens upon public facilities and services, take up the least amount of area, and if located within timbered areas should consider fire safety precautions.

11 9. Non-resource dwellings often take good grazing, farm and forest use soils out of production.

12 10. There are a few instances where resource use homes dwellings have the potential of becoming non-resource homes dwellings.

13 11. Much of the land within the Grazing/Forest areas of Umatilla County is considered Critical Winter Range areas for deer and elk. Studies indicate that special land use measures are necessary to protect these winter range areas.

14 12. Timber on small, recreational-related or rancher-owned parcels can contribute to future availability of logs in Umatilla County.

15 13. There is a need for wood lots for fuel heating purposes

16. ~~Timber on small, recreation related or rancher owned parcels can contribute to future availability of logs in Umatilla County.~~

POLICY

1. Umatilla County will encourage a multiple use concept for its grazing/forestland areas and will conserve forest uses, including Agricultural activities (e.g. Cultivation) found intermixed within forested lands through appropriate policies in the

comprehensive plan and corresponding protection measures in the Development Ordinance.

2. These other forest uses shall be permitted within areas designated Grazing/Forest and included within the Grazing/Farm Zone under "propagation of a forest product or use." Forest uses for the purposes of this policy shall include but not be limited to: (1) open space, buffers, visual separation to reduce noise and compatibilities; (2) watershed protection, wildlife and fisheries habitat; (3) soil protection from wind and water; (4) maintenance of clean air and water; (5) outdoor recreational activities and related support services and wilderness values compatible with these uses.

3. Pursuant to current Administrative Rules and DLCD policy, both grazing and timber resource lands in Umatilla County shall be designated Grazing/Forest (mixed use forest), applying the state agricultural land goal. An ~~EFU~~ GF zone (Grazing/Farm) will be placed upon land within this designation.

4. New parcels of 160 acres or larger shall be considered appropriate to continue the existing commercial agricultural enterprises (mostly grazing activities) and conserve forest lands for forest uses in those areas designated Grazing/Forest. New

dwelling proposed on parcels of at least 160 acres (farm use)/240 acres (forest use) and larger shall be classified as resource dwellings. ~~New dwellings proposed on parcels less than 160 acres shall be considered non resource dwellings and must meet appropriate standards and criteria in ORS 215.283 (3) (non farm dwelling approval criteria), ORS 215.286 (disqualification of farm deferral taxation), and similar type standards in ORS 215.283 (3) applicable to siting non farm dwellings in timbered areas, unless the location of the dwelling can meet the requirements of Policy #5.~~

~~5. Dwellings customarily provided in conjunction with farm use or necessary and accessory to forest uses shall be defined to mean:~~

~~(a) A dwelling located on a parcel of at least 160 acres under contiguous single ownership in a farm or forest use;~~

~~(b) A dwelling located on a parcel of land where the owner of the parcel owns noncontiguous land of at least 160 acres in farm or forest use.~~

6 5. When reviewing proposed parcel divisions and development proposals in areas designated Grazing/Forest, boundary adjustments under 160 acres within areas designated Grazing/Forest must meet the applicable policies below and

appropriate criteria and standards in the Development Ordinance:

(a) Each such transfer shall meet the requirements of ORS 215.243 if for grazing or agricultural purposes.

(b) Each such transfer shall meet applicable requirements of ORS 527.610-730 (Forest Practices Act provisions) if for timber management purposes,

(c) Each such transfer must be contiguous with the parcel with which it is proposed to be combined.

(d) Each such transfer shall be strongly encouraged to be combined with the adjacent parcel involved in the boundary adjustment,

(e) If such a transfer cannot be combined into the adjacent parcel because of financial or assessment rules, no new dwellings shall be permitted on these divided parcels subject to provisions in Policy #7 6.

7 6. (a) Boundary adjustments that result in tax lots of less than 160 acres shall be required to record deed restrictions that: (1) no resource dwelling is allowed on the subject tax lot; and (2) that authorization of the subject boundary adjustment does not create a parcel eligible for sale or transfer to a third party. These deed restrictions can be removed

upon the recombining of the subject tax lot (with one or more tax lots) into a single parcel equal to or larger than 160 acres in size, (b) There will be only one exception to this policy: a non-resource dwelling may be permitted only if it meets all of the requirements of appropriate Development Ordinance standards listed in previous or subsequent Grazing/Forest policies.

~~8~~ 7. The County shall require that appropriate procedures (conditional uses), review standards and policies be met in the Comprehensive Plan and Development Ordinance, pursuant to appropriate state administrative rules when reviewing new non-resource uses for compatibility with resource activities now taking place within areas designated Grazing/Forest.

~~9. In areas designated Grazing/Forest, schools shall not be permitted.~~

~~10~~ 8. (a) Require appropriate procedures, standards and policies be met in the Comprehensive Plan and Development Ordinance to assure that non-resource dwellings will be compatible with grazing/forest and farming activities occurring on lands designated Grazing/Forest. (b) Require a "Covenant not to Sue" document be signed and recorded prior to the approval of a non-resource dwelling, stipulating that the owner will not remonstrate against

accepted farm, grazing and forest practices occurring in areas designated Grazing/Forest.

~~11~~ 9. To assure that new non-resource dwellings as opposed to existing resource dwellings converted to non-resource dwellings will not remove valuable resource ground, the generally unsuitable test in the non-farm dwelling review criteria for the establishment of new non-farm dwellings shall be defined as soils classified as VII and VIII according to the SCS Soil Survey Classification System. ~~In combination with other protective criteria, Class V and VI soils may also be considered non-resource land.~~

~~12~~ 10. When a partition is requested to convert an existing resource-related dwelling to a non-resource dwelling, the request shall meet requirements consistent with ORS 215.283(3) 284 (7) (non-farm dwelling review criteria), and ORS 215.236 (farm deferral disqualification, if the parcel is on farm deferral), and other appropriate standards protecting resource uses. However, partitions involving existing resource dwellings may be on better classified soils providing they meet the intent of the generally unsuitable test in ORS 215.283284.

~~13~~ 11. A "Critical Winter Range Overlay" zone along with special clustering and

notification requirements as required in certain Natural resource policies shall apply to lands designated Grazing/Forest and identified as Critical Winter Range.

~~14~~ 12. Seek cooperation with the Oregon Department of Forestry in efforts to provide technical assistance to all property owners who wish to manage their land for timber. Encourage the uneven age timber management system in multiple use designated areas where desired visual aesthetics and wildlife habitat concerns are important and should be protected.

~~15~~13. Permit wood lot uses through leasing and/or selling of timber rights. The purpose of this policy is to encourage the utilization of wood lots while discouraging parcelization and the siting of dwellings.

~~16~~. ~~Seek cooperation with the Oregon Department of Forestry in efforts to provided technical assistance to all property owners who wish to manage their land for timber. Encourage the uneven age timber management system in multiple use designated areas where desired visual aesthetics and wildlife habitat concerns are important and should be protected.~~

CHAPTER XVIII, THE PLAN MAP

INTRODUCTION

The most visible part of any land use plan is its maps. Readers flip through the text to the maps showing what was decided about their land parcel of particular interest. Unless one is masochistic, unusually curious, or trying to overturn a particular decision, the remainder of the text may never be examined.

The County Plan Map, found in the back pocket of the Plan, identifies in broad-brush strokes agricultural, forest/grazing, residential, commercial, industrial and urban lands, as well as federal and state owned lands. In addition to the County Plan Map, which portrays the "whole picture," maps showing land use designations of specific geographical areas of the County are also included in the back pocket.

The general land use classifications guide implementation techniques of zoning, subdivision standards, deferential tax assessment, etc. In isolated instances present use of a site may not conform to this plan's classifications. It is intended that such pre-existing uses are recognized as non-conforming and continued use at pre-acknowledged plan intensities are acceptable.

Specific policies in the text may modify application of the general land use plan designation. Local conditions that warrant special consideration during development review or implementation of government programs may not be apparent from examination of only the plan map. The user of this document is encouraged to interpret the Plan Map Section in light of the stated plan policies.

LAND USE CLASSIFICATIONS

The following discussion lists and describes the various types of general land use depicted on the County Plan Map. Based upon analysis of land productivity capabilities, virtually all of Umatilla County is suited to either farm or forest uses. The other land use designations are therefore established at the expense of those two uses.

The Land conservation and Development Commission's Statewide Goals #3 (Agricultural Lands) and #4 (Forest Lands) specify that such lands are to be preserved for those uses unless an exception is taken as prescribed in Statewide Goal #2 (Land Use Planning). The exceptions process is used to present the reasons for determining that certain resource lands may instead be placed in one of the following two categories: (1) land no longer available for farm or

forest use; and (2) farm or forest lands needed for other future uses.

Full findings ordinarily required for an exception are not necessary for land determined to be unavailable for farm or forest use. Only justification of what the local area feels is "physically developed" or "irrevocably committed" must be outlined. However, if agricultural or forest lands are determined to be needed for other uses, the following reasons for the action must be set forth in the plan:

1. Why these other uses should be provided for;
2. What alternative locations within the area could be used for the proposed uses;
3. What are the long-term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
4. A finding that the proposed uses will be compatible with other adjacent uses.

Within the descriptions of plan map classifications are presented the criteria employed to identify those lands considered developed or committed. In instances that require additional lands beyond those found to already be developed or committed to the land use classification, the narrative includes discussion of the four reasons (need, alternatives, consequences, and compatibility) for taking exception to the Agricultural Lands or Forest Lands Statewide Goals.

The rationale used to determine specific amounts/locations of lands within any given land use classification varies with the nature of the data characteristics inherent to that land use. The designation of Rural Residential lands is closely tied to quantitative information based upon population forecasts, average persons per dwelling, and community perception of appropriate lot size for the rural homesite. For other uses, less precise information is necessitated because of the more intangible characteristics related to those land use classifications. The designations of Commercial and Industrial areas are also based, in great part, upon current public attitudes toward future conservation and development of resource land. Recommended policies from the Citizen Committee on Umatilla County Overall Economic Development is central to the deliberations leading to commercial and Industrial land determinations.

AGRICULTURAL LANDS

Agriculture is the leading industry in the Umatilla County.

Umatilla County is also one of the leading farm revenue producing counties in the state. This plus the tremendous diversity of crop types makes agriculture a dominant facet of life in the County.

Because of its dependence on the land resource, farming is sensitive to the effects of land use change and intensity. As discussed in various parts of the Technical Report and Plan, the division of land into small parcels and the presence of non-farm activities can adversely affect farm operations. Therefore, to achieve the goal of protecting and preserving the agricultural industry, non-farm activities in agricultural areas of Umatilla County will be carefully controlled.

It is further necessary to preserve and protect the maximum amount of prime agricultural land resource as is possible to help assure future commercial agricultural production. In areas having special or unique agricultural resource circumstances, the intent is to maintain and protect existing agricultural production and to continue encouragement of the intensive management practices occurring on a diversity of parcel sizes.

The preservation of agricultural land has the secondary benefit of conserving the natural resources that are an asset to the physical, social and economic quality of life in Umatilla County.

Legislative policy and the Land Conservation and Development Commission Goal #3 on Agricultural Lands also indicate a need to preserve agricultural lands. The state goal defines agricultural lands in Eastern Oregon as all lands of Class I-VI soils identified by the Soil Conservation Service classification system and other-lands which are suitable for farm use. Farm use is also defined as set forth in ORS 215.203 (2) (a):

~~As used in this section, "farm use" means the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the producing of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products of any other agricultural or horticultural use or animal husbandry of any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It 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 in Subsection (3) of this section, or to the~~

~~construction and use of dwellings customarily provided in conjunction with farm use.~~

As used in this section, "farm use" means 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, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the 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 in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).

State Agricultural Goal #3 further indicates that these lands shall be preserved by applying Exclusive Farm Use zoning. It is also the intent of Umatilla County to consider the growing, management, and harvesting of trees as a compatible form of agricultural production.

A majority of the lands presently in farm use in the County are of the Soil Conservation Service agricultural soil capability Class I through Class VI. This soil classification system is explained in the Technical Report. General soil maps for some areas of the County also included in the Technical Report, which show the location and extent of the soil classes and soil fertility, are not the sole determinant of what constitutes farmland. Therefore, it is necessary to describe other criteria used to define farmland in Umatilla County. The following criteria are used to determine to which lands the are agricultural

- a. Soils that are suitable for agricultural production using accepted farming practices, especially Class I-VI soils.
- b. Areas of open land that is relatively free of non-farm conflicts. Areas that is still capable of being farmed.
- c. Areas that are presently in farm production or are capable of being farmed now or in the future.
- d. Areas where land is supporting or can support both agricultural uses and timber management.
- e. Land that is marginal cropland but capable of supporting livestock grazing.
- f. Those other lands that is necessary to protect farm uses by limiting adjoining non-farm activities.

Applying the above criteria to lands in the County reveals those areas that are defined as farmland to which farm zoning and the farmland protection policies will apply.

It is the intent of Umatilla County to continue the capability to economically farm lands by limiting conflicts with non-farm uses. This will be done by prohibiting both incompatible non-farming activities and/or carefully monitoring land divisions to those compatible with agricultural needs.

The protection and preservation of farmland is primarily for the purpose of preserving agricultural soils and thus the industry as a basis for food and fiber production now and in the future.

Secondary benefits preserve potential mineral resources, fish and wildlife resources and the valuable character of open space.

The main land use control tools available to accomplish this goal are farm zoning and land division controls. Through the exercise of these controls, the agricultural economy can be maintained in the future.

To preserve agricultural lands the County established a 19 acre minimum Exclusive Farm Use size and zoning beginning 1972. The agriculture chapter in the Technical Report discussed reasons for adopting the 19 acre minimum size and shows that it has served to preserve a wide variety of farming operations in most agricultural areas of the County.

Until 1979 nineteen acres was the sole minimum parcel size. That year planning efforts in the Orchards District area of the East

County showed that a considerable number of less than 19 acre operations constituted viable farm units. Studies further indicated the feasibility and appropriateness of smaller Exclusive Farm Use parcel sizes. Protection measures for this area are explained in more detail within the special agricultural section which follows.

Despite the apparent effectiveness of the 19 acre minimum Exclusive Farm Use zone, staff and Commission members of the State Land Conservation and Development Commission have expressed concerns that this size cannot be justified as a "commercial" farm size and a size that would not protect existing and successful farming operations in Umatilla County if partitions of this size are actually created through these lands. State interpretations of Goal #3 and court decision require this kind of justification or reasoning when developing land division and/or other agricultural protection regulations.

Essentially, the state is strongly pressuring (close to mandating) counties to either adopt large parcel size minimums where farms are large now, or requiring very strict review procedures on individual partition proposals whereby applicants are burdened to provide volumes of information to justify the partition. Proof of the above statements are revealed when examining the following nearby and similar agricultural counties' adopted or proposed EFU minimum lot size or review standards:

County	<u>Adopted or Proposed Minimum Lot Parcel Size for Wheat or Grazing Agricultural Lands</u>
Morrow	160 acres proposed
Union	160 acres proposed
Gilliam	160 acres proposed
<u>Grant</u>	<u>160 acres</u>
Wasco	80 160 acres proposed
Wheeler	80 160 acres proposed

Also, several valley counties (Benton, Polk and Marion Counties) have proposed individual review standards for agricultural partitions and have had to add more requirements when reviewed for state acknowledgment.

In the process of analyzing agricultural operations, their sizes and ownership patterns, etc., appropriate and justifiable state agricultural protection measures and techniques are suggested rather than continue the present 19 acre Exclusive Farm Use zone. As previously suggested, administrative rules and legal interpretations have limited the process of developing and choosing protective yet flexible measures for agriculture. This narrow

process simply does not permit logical reasoning or justification for a 19 acre minimum lot size for most of Umatilla County's agriculture. (New farm protection measures are discussed in the next two sections).

Agricultural lands intended for preservation are shown on the Comprehensive Plan Map. There are four land use categories used to maintain agricultural production capabilities. This first and most extensive is the North and South County Agricultural lands intended for preservation and are predominantly large scale, extensive commercial agricultural operations. The other two designations are the Special Agriculture designations that are applied to areas of unique circumstances, involving smaller scale commercial agricultural operations, and the Orchards District designation applied to the unique circumstances occurring in this agricultural region. Each designation is intended to recognize and protect the resource value of its respective measures.

Even though land use controls can be effective in preserving agricultural lands, by far the most important aspect of this program is public farm community attitudes. Public support, particularly from farmers, farm related industry and those people owning farmland in the county, is the real foundation upon which agricultural land preservation policies will be maintained.

The aspect of changing agricultural land into other non-farm uses (especially to industry) should be briefly touched upon before explaining the areas of agricultural designations and protection measures. Recognizing that there is an abundance of resource land in the county highlights the fact that should a unique opportunity arise where diversification of the County economy is possible and desirable for potential industrial development. For example, they can be near a unique natural resource (e.g. mineral deposits), require a location outside an urban growth boundary because of potential hazards to, or incompatibility with dense urban development, or would have significant comparative advantages due to its location. Since markets, resource demands and technology all influence industrial and related development, the right combination of these can make a certain area very desirable, even more so than available land in industrial designed areas. Quite possibly other rural designated lands (e.g. rural residential and commercial) might require expansion into agricultural areas if present areas become nearly all developed. Should either of the above become the case, the County desires the flexibility and opportunity provided in the exceptions process under Goal #2 (Land Use Planning) to allow conversion of agricultural or rural lands if favorable location considerations are present and impacts upon county services and lands are minimal. The degrees of agricultural productivity, however, should remain a major factor with the

highest Soil Conservation Service classification soils (generally indicating poorest productivity) being those prospective areas first removed from the agricultural land base. Where policies conflict, need for the proposed reclassification should be evaluated against need for the retention of the existing land use designations. The procedure for conversion of agricultural lands shall be a public hearing process, and shall follow state exception administrative and legislative rules. The county, through an overlay zone, has identified areas having a great or high potential for industrial use. These lands are still designated and zoned for agricultural use until an exception has been approved.

NORTH/SOUTH COUNTY AGRICULTURAL REGION

The area identified as North/South County Agricultural Regions on the Comprehensive Plan Map is intended to protect the existing commercial agricultural uses occurring within these two vast land areas. The existing commercial agricultural enterprise of these areas is characterized by extensive agricultural use, a large variety of crop types and agricultural activities, and a lack of significant areas of non-farm uses. And, importantly, there is widespread support from property owners for maintaining these areas for the exclusive use of farming and protecting them from non-farm conflicts. This area is the foundation of the agricultural economy in Umatilla County and is intended to be maintained for long-term agricultural production.

The intent of the North/South County Agricultural Region designation will be implemented by applying the Exclusive Farm Use (EFU) zone as established in ORS 215.203 et seq. and other appropriate requirements in the County Development Ordinance.

Specifically, to make the farmland protection program truly effective and reflective of commercial agricultural operations, it is necessary to apply to the North/South County Agricultural Region an agricultural designation, require EFU (Exclusive Farm Use) zoning, and supplement both of these measures by the use of a matrix review system. Those lands on which EFU zoning is applied are often in large ownerships, often in smaller, separated parcels, and are made up of many field patterns and parcel shapes, all to which help comprise commercial farming operations. This variety creates a need for a varied process of reviewing partitions and farm home proposals. The matrix review system provides this needed flexible protection. There are, however, intermingled, occasional parcels that are not economic or commercial farm units by virtue of size, shape, soils or use. Where they are few in number and limited in area (usually less than 20 acres), these parcels are included within* the North/South County Agricultural Region designation to

help maintain existing farming practices, thus minimizing conflicts on surrounding lands. Allowing them to be indiscriminately divided into very small acreage only proliferates potential non-farm uses and increases the potential for conflicts with farming operations on adjacent lands. For the same reason, it is important that some marginal farmland be retained in commercial agricultural units.

Only where there are a significant number of highly clustered smaller parcels that are developed or committed to non-farm development are such areas considered appropriate for non-farm uses and justifiable as exceptions to the Agricultural Goal. Careful consideration shall be given to the adverse impact on the integrity of the farmland preservation program when considering the approval of non-farm uses in the midst of this farm designation.

Agricultural uses and those other activities necessary to accomplish agricultural production are the main uses allowed on these primary agricultural lands.

Specifically, these activities include but are not limited to incidental uses like forest management, sale of agricultural produce grown on the farm premise, experimental tracts for agricultural and forest products research and secondary uses in conjunction with farm activities (e.g. corrals, pens, barns, etc.). The principal farm dwelling and farmhand residences necessary to carry out farm activities will be allowed as a permitted outright use with minor site and sanitation requirements. A parcel size minimum is assigned to assist in assuring that a dwelling is farm-related and will be located on a ~~lot~~ parcel considered large enough to continue the existing commercial farm management operation in the area. In the North/South County Agricultural Region, 160 acres will be used as the parcel size measure. A farm relative dwelling as defined by ORS 215.283(1) (e) will be permitted to allow a relative to assist the farm operator in the management of his farming operation. Similar requirements and standards for a principal or farm help dwelling will apply to a relative dwelling. However, because of the separated ownership patterns here, a farm relative dwelling shall be considered a dwelling in conjunction with farm use with minimal development requirements ~~if such dwellings will be located on parcels in farm use, either contiguous with them or on discontinuous parcels under the same ownership that total at least 160 acres.~~ In some circumstances where intensive agricultural operations are found, a dwelling may be allowed on a parcel less than 160 acres if it can be shown to be a commercial farm unit as defined by applicable state administrative rules designated as the "Income Test" threshold. ~~A representative inventory of adjacent commercial farm units must show that the dwelling to be placed on a parcel smaller than 160 acres is typical of the predominant commercial farm unit~~

~~pattern in the area. This review and applicable requirements are explained later in this section.~~

Certain non-farm uses allowed in the Exclusive Farm Use zone can be compatible with soil and groundwater conditions or with farm residences dwellings and can be made compatible with adjacent farming practices. These types of non-farm uses ~~shall~~ may be conditional uses ~~requiring~~ with the opportunity for a public hearing and neighboring farm operator input ~~plus~~ regarding specific standards which have to be met in order to be approved. This policy requires several adjustments to the state Exclusive Farm Use Zone provisions made to assure compatibility, usefulness to the community and to protect public health. Community facilities and services including churches, parks, non-profit community organizations and other equivalent public and private use intended to serve county residents ~~and allowed by statute as outright uses~~ have been reclassified as conditional uses and land use decisions. Specific standards and conditions shall be satisfied in order for these uses to be permitted within the North/South County Agricultural Region. Schools which generate large groups of people for significant periods throughout the year and during the same times that normal farm practices occur are considered totally inappropriate, and shall not be allowed within this plan designation.

Non-farm residences dwellings within the North/South County Agricultural Region are viewed as inappropriate. However, where special conditions exist, non-farm residences may be permitted. ~~First of all, non-farm dwellings are defined as those that are proposed on parcels of 20 acres or less. Secondly, they~~ Non-farm dwellings will be limited to single-family dwellings when it is determined that they are compatible with surrounding agricultural activities. ~~Thirdly, The approval of such non-farm residences~~ dwellings shall be based upon ~~a determination or~~ compliance with Umatilla County agricultural goals and policies and criteria in ORS 215.283(3) 284(7) and ORS 215.236. ~~Fourthly, The generally unsuitable clause in ORS 215.283(3) 284(7) will be more clearly and precisely defined~~s to assure that new non-farm dwellings are located on non-productive soils of Class VII and VIII. ~~Only in the instance where new non-farm dwellings meet all of the criteria in ORS 215. 283(3), except the adverse soils provision, then such dwellings may be permitted on still marginally productive soils classed V and VI by the SCS Soil Classification System. Fifthly Existing farm dwellings converted to non-farm dwellings via homestead provision will be required to follow the same procedures and most to the standards required for new non-farm dwellings, to assure their compatibility with the adjacent farming activities. There are additional requirements in the EFU zone intended to help assure that non-farm homes~~ dwellings will not unnecessarily burden

county facilities, will be compatible with agricultural and other natural resource uses occurring in these regions, and that the least amount of area is devoted to the non-farm dwelling.

Umatilla County recognizes that the farmland preservation program can be jeopardized by land use decisions that are not consistent with the intent of the agricultural goals and policies in the plan. Therefore, it is the intent of the county to achieve consistent and objective decisions based upon adequate findings of compatibility on non-farm uses in agricultural areas. In the North/South County Agricultural Region, non-farm ~~residences~~ dwellings are considered a secondary use, having a low priority, and represent a potential land use conflict. Where there is a conflict between non-farm residents and farming, the non-farmers are considered the "guests" and are expected to tolerate necessary farm practices on adjacent lands and to control activities on their land so as not to adversely affect effective management of nearby farmland. Signing declaratory statements binding a non-farm use owner/operator from remonstrating against acceptable farming practices is a policy to minimize the above-mentioned conflicts along with careful application on non-farm review standards in ORS 215.283(3) 284 (7).

An important aspect of the agricultural preservation program is the consideration of land divisions that will maintain and continue the commercial agricultural enterprise in the county. In attempting to choose what methods will achieve this objective in the North/South County Agricultural Region, the existing crop characteristics and farm and field patterns, sizes and shapes are being considered. As discussed in the agricultural section of the Technical Report, agricultural land in this area of the county has diverse agricultural activities and patterns and produces a large variety of farm commodities. This diversity and complexity means that the size of commercial agricultural enterprises may be large; but is in scattered ownerships and farmed in separate, identifiable and diverse field patterns. Additional lands are often leased to make up a complete commercial operation. Some crops are irrigated and can constitute a commercial agricultural enterprise on smaller acreage than the larger acreage required for dryland crops. This is particularly true in river and creek drainage and bottom land areas. Livestock ranching adds to the complexities of agriculture by its required leased or other-owned lands of summer pastures away from the home-based farm. Mechanized irrigation also contributes to these complexities by the use of water, which is thought by some to be declining faster than being replenished in some areas of the county. Energy costs are also becoming prohibitive upon current irrigation practices. The importance of irrigation cannot be denied and its future must be carefully considered in agricultural land use policies.

Also adding to the above complexities are such variables as personal desires, individual management techniques due to topography, and man-made barriers such as bluffs, rivers, rock outcrops, roads, railroads and utility lines, capital investment commitments, market conditions, and other unique parcel characteristics all of these factors determine a particular farmer's choice of crops, type of equipment used, and management decisions; and these choices often vary from year to year.

Since there is such diversity in agricultural practices and ownership characteristics, it is impractical to set a strict commercial, minimum farm size that will achieve the agricultural goal's intent in the North/South Agricultural Region. The many variables involved in agriculture and the land ownership patterns associated with it require an approach that allows flexibility in the parcelization and trading of land for farm purposes, yet imposes restrictions and in some cases limitations on new non-farm uses in and around land zoned for agricultural use.

Umatilla County has chosen to establish a combination of land use measures adopted to and based upon general norms for commercial agricultural enterprises in the North/South County Agricultural Region.

First, land divisions proposed within these two agricultural regions will be facilitated through a matrix review. The matrix will help to explain to partitioning and dwelling applicants the various types of procedures and standards required to receive county approval. The matrix is also designed to show in a convenient and understandable way the flexibility allowed in partitioning for farm-management purposes, yet the protection built into it through a variety of plan policies and ordinance standards dealing with development proposals in these agricultural regions, most of which have been explained earlier. Secondly, measures to insure that proposed partitions will continue the existing commercial agricultural enterprises and will remain in farm use have been adopted. Specifically, any farm partition of 160 acres or larger is deemed to be farm related, will continue the existing commercial agricultural enterprises in the area, and must meet basic ordinance provisions and the intent of ORS 215.243. Some farm partitions and dwellings customarily provided in conjunction with farm use below 160 acres may be allowed only after the applicant provides required information and meets applicable standards after an area review is conducted. ~~For most of the North/South County Agricultural Region, a circular review shall be initiated which involves a review of 50 parcels surrounding the subject property. These parcels must be larger than 20 acres and outside exception areas. A linear type review will be initially required in some seven drainages within the North/South County Agricultural Region~~

~~because of their uniqueness and contrast from adjacent farmland (e.g. availability of water, different crop types, smaller parcel sizes). Other drainages may be added later at the first plan update. A similar adjoining 50 parcel analysis or two mile length review in either direction of the parcel within the drainage will accurately reflect the typical agricultural activities and commercial farm units and operations in these drainages.~~

~~The appropriateness of a proposed partition or dwelling in the above two reviews just discussed will have to meet at least one of two major tests: (1) For a partition or dwelling they must be typical of the predominate parcelization and/or commercial farm unit pattern in the area (at least 51%) ; (2) For a farm partition it and resulting parcels must either gross or have grossed an average of \$10,000 per year based upon a time schedule of typical county crop and grazing types and practices that are appropriate to continue existing commercial agricultural enterprises (see revised agricultural Policy #6 and related Technical Report Revisions section, page VI-4 specific formula or criteria); or be a parcel separated by natural or man-made features that preclude efficient management by the present farm owner or operator, but would be more effectively and efficiently farmed by another adjacent farm owner or operator. (This parcel should be smaller than 160 acres and a separate tax lot because either financing or assessment laws make the combination of this parcel into the new adjacent parent parcel impossible).~~

Several other tests and requirements will be applied to assure that proposed farm partitions will continue existing commercial agricultural enterprises in the North/South County Agricultural Region. Specific examples include meeting the requirements of ORS 215.243, the proposed parcel be of a size and shape for adequate access to and efficient movement upon the subject parcel with farm equipment, and if no farm dwelling is proposed or cannot be justified or allowed, a deed restriction prohibiting farm dwellings shall be required. This deed restriction may be removed only when the recombination of the subject divided parcel is of the minimum lot size (160 acres) that permits a farm dwelling.

There is also a need to review proposals for dwelling and divisions within areas assigned to the Critical Winter Range Overlay Zone. These provisions are explained in detail within Goal 5 chapters of the Comprehensive Plan and subsequent provisions within the Development Code.

WEST COUNTY IRRIGATION DISTRICTS

The land use designation of "West County Irrigation District" is to be applied to all lands within the Stanfield Irrigation District and to portions of the Hermiston and Westland Irrigation Districts. This designation recognizes a particular situation that exists in these older districts whereby several parcelization patterns have emerged. This designation is applied to the small and medium sized farm enterprises that are on the outer edges of the Hermiston and Westland Irrigation Districts and in all of the Stanfield Irrigation District. ~~-(See map next page.)~~

Types of crops and agricultural enterprises taking place within areas designated West County Irrigation District are a mixture of more self-supporting specialty crops like mint, asparagus, melons, and onions, and less cost effective activities such as alfalfa, irrigated wheat, and livestock pastures. These areas are in a transition between Special ~~Agricultural~~ Agriculture areas having smaller lot parcelization (20 and 39 acres in size) and the larger, more extensive agricultural operations commonly found in the North/South County Agricultural Regions. This transitional progression is the case in areas within both the Hermiston and Westland Irrigation Districts. The progression starts with the city/suburban development phasing into rural residential homes, to Special ~~Agricultural~~ Agriculture areas, and finally to West County Irrigation District areas which eventually end at the boundaries of North/South County ~~Farm~~ Agricultural Regions. The Stanfield Irrigation District is a unique area from the adjacent wheat/fallow farmland because smaller scale farms are made possible by irrigation and have been the practice for nearly 60 years.

The farm enterprises that exist within the West County Irrigation District areas have parcel sizes of around 45 to 60 acres. Ownership sizes range from 55 to nearly 90 acres. This designation is intended to preserve the existing agricultural parcelization and enterprises.

A combination of ~~lot~~ parcel size regulations and non-farm review measures shall be implemented to maintain the existing mixture of mostly part-time ~~with some~~ and full-time farming operations. However, A 40 acre minimum ~~lot~~ parcel size will be used as the specific measure to ~~maintain the present parcel size patterns and to more closely adhere to ORS 215.780 (1) assure that new dwellings are the same as those farm dwellings that are existing and customarily provided in conjunction with farm use.~~ Farm relative or help related dwelling, non-farm uses and development proposals on pre-existing ~~lots~~ parcels will be controlled in a similar manner as in the neighboring North/South County Agricultural Regions and the Special ~~Agricultural~~ Agriculture Regions areas explained in previous and subsequent sections. ~~Again, because of fragmented farm parcels being in existence in these irrigation districts, farm~~

~~dwelling will be allowed on parcels whose aggregate total is at least 40 acres.~~

SPECIAL AGRICULTURE

The Special Agriculture land use designation identifies more intensive rural agricultural areas. The purpose of this designation is to identify for special treatment those lands in Umatilla County that are characterized by smaller scale commercial farm enterprises or areas with a mixture of good and poorer farm soils where the existing land use pattern is a variety of medium to small farm units and where normal farm practices and choices are impacted by the presence of some created homesites. This classification is based on the premise that protection of Class I through VI soils in areas of mixed soil classifications is feasible and desirable and that existing and potential productivity of the land resource can be protected. It also recognizes that potential productivity lies mainly in smaller, more intensively managed farms if certain conditions and circumstances change to warrant a conversion of this kind (e.g., mainly markets and improved irrigation technology).

These lands are characterized by a diversity of existing conditions that include:

- a. Soils with a mixture of capabilities having fewer crop type choices, sometimes involving specialized crops. Typical soil types are a mixture of Classes III through VI for agriculture.
- b. Generally a mixture of parcel sizes ranging in sizes of 10 and 20 acres and some areas intermixed with parcels of sizes up to 40 and infrequently 80 acres.
- c. Existence of, or potential for, hobby or small farming units that are not full-time commercial operations.
- d. Special terrain, soil, vegetation or other land conditions, or special land management situations (irrigation) where, in the future, additional small farms with residences could be located without adversely affecting commodity production in the area or negatively impacting overall county production.
- e. Mostly areas where consolidation of smaller parcels is almost impossible because of numerous individual ownerships.

The types of crops grown in the Special ~~Agricultural~~ Agriculture areas are predominately alfalfa, seed, grains, small scale livestock operations, pastures and specialty crops such as

watermelons, asparagus, onions, and some berries. Most of those areas have water for irrigation but vary in reliability and application methods. Several special agricultural areas are found inter-dispersed within the older, established irrigation districts where delivery systems are in poor condition and water supplies are often unreliable or unavailable for a full growing season. These areas are in a transition from the larger, marginal, more extensive agricultural enterprises to smaller part-time farm units; or are areas unique from the surrounding lands where smaller scale farming has always been practiced. Because of the mixed soil types, poor irrigation water supplies, smaller lot parcelization and existing scattered non-farm development, the few remaining larger scale farm operations in these areas are being phased out. Possible crop selections are limited because of management cost constraints, and other physical and cultural factors work a greater hardship on the farming interest in these Special ~~Agricultural~~ Agriculture areas than on the better, less restricted agricultural land. Some parcels in Special ~~Agricultural~~ Agriculture areas are limited to uses such as horse pasturing. Irrigation operations of the past have been replaced in favor of smaller scale, intensively managed crops (e.g., specialty crops) or part-time farms raising irrigated wheat and alfalfa, and sometimes supporting pastures for livestock.

It is the intent of the Special Agriculture designation to preserve the existing agricultural activities and to recognize and encourage the transition of these lands into a more efficient and intensive agricultural area of special commodity production when conditions permit it. This will by be accomplished by discouraging speculation on the conversion of good farmland to homesite development and maintaining these smaller farm units with appropriate and applicable land division rules and other agricultural regulations required in the County's Exclusive Farm Use zone.

When and if to encourage the transition of these lands into more intensive agriculture is difficult to answer. Currently markets, technology, transportation methods and costs do not readily lend an atmosphere for intensive agricultural farming. Conversion costs involved are also not known but are believed to be high at this point in time. However, because significant numbers of individuals in the farming community feel that small, extensively managed farms could be needed and practical in some areas of the County, the possibility to do so should be provided. The rural lifestyle of small farms and a scattering of rural residential homes has also developed in these Special Agriculture areas of the County, which further supports the idea that additional areas could be needed sometime in the future. All Special ~~Agricultural~~ Agriculture areas have some potential for more intensive, smaller farms because they have some form of irrigation and are already developed into small or tract farms. Therefore, it is the intent of

the County, through the Special ~~Agricultural~~ Agriculture designation, to conduct an ongoing study of these areas to develop information on how and when a transition to more intensive agriculture should be initiated.

The sizes of existing agricultural enterprises within the Special ~~Agricultural~~ Agriculture areas are thoroughly explained in the Technical Report. Most of the East Umapine area as well as several larger site agricultural areas within the Orchards District, several locations within the Hermiston and Westland Irrigation Districts and a small area along McKay Creek, south of McKay Reservoir, have field patterns of about 20 acres. It is the intent of the County to designate these areas "Special Agriculture" (See Comprehensive Plan Map). (Special Agriculture areas in and around the Hermiston and Westland Irrigation Districts were examined, located and designated on the Comprehensive Plan Map in August 1983, and September 1984 when rural residential, urban boundaries and these agricultural areas were determined through the local decision-making process and application of the Exceptions procedure in the State Planning Goal #2.) The Special Agriculture designation is intended to preserve the existing farming activities while encouraging the transition to higher production capabilities through more intensive farm operations where and when appropriated. (~~See map next page.~~)

Maintaining these existing, mostly part-time farm operations will be initiated through a combination of ~~lot~~ parcel size strategies and non-farm review measures the same as those required in the North/South County Agricultural Region. Division or parcelization for farm purposes will be minimally regulated to allow normal land trades, flexibility in the ever-changing farm management practices taking place in Umatilla County, and to interfere as little as possible with farm inheritance planning. Farm related dwellings, non-farm uses and development of preexisting ~~lots~~ parcels will also be controlled in a similar manner in these Special Agriculture areas as the neighboring North/South County ~~farm Agricultural~~ Region (~~see page XVIII-11 through XVIII-21~~). ~~The only difference is that 20 acres will be used as the measure to control dwelling densities. This density requirement plus other appropriate procedures and standards will be applied to maintain the agricultural integrity of Special Agriculture Areas in the county.~~

ORCHARDS DISTRICT

The complex nature and sizes of existing agricultural enterprises within the Orchards District are outlined in the Technical Report. ~~Basically,~~ The average parcel sizes approximate between 5 and 18 acres depending upon sub-area location within this agricultural

district. Ten acre tracts have been the predominant parcel size for fruit orchards since the early 1900's. Depending on the type of fruit being raised grown and management managed, an orchard of 10 to 20 acres constitutes a profitable, full-time commercial unit. In recognition of this higher-intensity agriculture, ~~an EFU Fruit Tract Farm zone~~ the Orchards District has been created which allows ~~a dwelling density and partitioning of land at a 10 acre minimum adopted to insure the maintenance of orchard farming.~~ Further explanation of the density and partitioning standards is needed for clarification. It is the intention within the Orchards District Plan designation to maintain an overall density of 10 acres by limiting the total number of ~~lots~~ parcels partitioned from the original parcel to not exceed one lot per 10 acres of original tax lot area and ~~limiting the total number of principal dwellings to not exceed one per 10 acres of original tax lot area.~~ (For example, within the 10 acre farm area: If an existing house on a 10 acre parcel is partitioned off with a one acre lot, another house may not be built on the remaining 9 acres. The original tax lot will be "red lined" on the official zoning maps. If the original lot contained 20 acres, one additional principal dwelling could be built on the remaining 19 acres after the old house was broken out).

Certain lands within the Orchards District ~~not into~~ developed into orchards or not suitable to tree fruit production have been included within this 10 acre ~~minimum zone~~ parcel size because they exhibit a similar 5 to 18 acre typical parcel size pattern. The ~~Fruit Tract Farm EFU zoning~~ Orchards District covers most lands in the Pleasant View, Fruitvale, Eastside and Sunnyside areas north of Milton-Freewater, areas of Ferndale and Tum-a-Lum neighborhoods, and the Forks of the Walla Walla River, southeast of Milton-Freewater (see Comprehensive Plan Map and Technical Report). A good majority of these small non-orchard tracts qualify for farm deferral.

Under the Orchards District Plan Map designation ~~and within the prescribed Fruit Tract EFU Zone,~~ it is the intent to allow some flexibility with regard to providing homesteads non-farm dwellings or retired farmers maintaining a retirement life estate, or making use of certain parcels not suited to farming, if found not to be incompatible with farming activities. The criteria to be met for approval of new, non-farm dwellings are: found in ORS 215.284 (7). For example, the creation of homesteads (farm retirement dwellings) will be allowed if the following criteria are met:

- ~~1. Site has frontage on or legal access to a county road, state highway or public road.~~
- ~~2. Site is already physically developed, meaning but not~~

~~limited to the following improvements: (a) existing dwelling; (b) existing accessory structures to the homestead dwelling; (c) existing septic tank and drainfield system; (d) domestic well.~~

- ~~3. Parcel size for the existing homestead shall contain a minimum of 1/2 to 2 acres or no more than 10% of the original parcel if said parcel is larger than 20 acres, but in any case it must include an area large enough for: (a) all improvements listed in #2 above; (b) a replacement drainfield; (c) applicable area and special requirements in the Development Ordinance.~~
- ~~4. Owner shall sign a "Covenant Not to Sue" with any new owner of the remaining farmed parcel about farm practices, and the covenant must be recorded as a requirement for approving the homestead.~~
- ~~5. Should the site be resold, the owner of the parcel from which the lot was created shall be given the first right of refusal to purchase the homestead lot and improvements. Resale time means one year from the date of receipt by the homesteader of a written offer to purchase the homestead and improvements. The owner of the parcel from which the lot was created must exercise his right within the one year period and the owner must meet the terms and price of the original offer.~~
- ~~6. The total number of homestead parcels allowed to be partitioned from the original parcel: One lot per 10 acres of original tax lot area and one homestead dwelling per 10 acres of original tax lot area.~~
- ~~7. The retirement dwelling must meet the requirements of ORS 215.283 (3) and ORS 215.236.~~

The retirement dwelling must meet the requirements of ORS 215.284 (7) and other applicable policies found in the Umatilla County Comprehensive Plan for the placement of non-farm dwellings.

~~To protect the valuable orchard resource, the County is adopting a policy that new/ non-farm dwellings only be allowed on pre-existing sub-standard lots with several other additional requirements assuring that the siting of these non-farm dwellings will be compatible with orcharding and other farming activities taking place within the Orchards District plan designation. Criteria to be met for approval of new, non-farm dwellings are as follows:~~

- ~~1. Parcel has frontage on or legal access to a county road,~~

~~state highway or public road;~~

- ~~2. The existing parcel must:
 - ~~a. Not have had orchard trees on it or have been planted to orchard within the last five years;~~
 - ~~b. Be 2 acres or less; or~~
 - ~~c. Be 5 acres or less on land not suited to orchard development and be located between or bordered on at least two sides by existing non-farm dwellings on parcels 2 acres or less and located within 200 feet of the proposed parcel.~~~~
- ~~3. Existing parcel must have enough area for DEQ approval for septic tank drainfield, replacement drainfield and well unless an existing well off-site has been purchased or secured and it is able to meet appropriate standards in the Development Ordinance.~~
- ~~4. Owner must sign a "Covenant Not to Sue" agreeing not to remonstrate against accepted farming practices and the covenant must be recorded as a requirement for building approval.~~
- ~~5. Non-farm dwelling meets the requirements of ORS 215.283(3) and ORS 215.236.~~
- ~~6. The total number of non-farm dwellings: One per lot, except in the case of a temporary dwelling approval, an additional dwelling (temporary) may be placed on the parcel subject to the applicable standards.~~

~~For the purposes of defining a pre-existing, sub-standard lot upon which a new, non-farm dwelling may occur as described above, it is a plot of land which is smaller than the minimum area required (further defined in 2(b) and (c) above in areas zoned EFU-10 in the Orchards District and in the Forks of the Walla Walla River area and was either a tax lot of record when the Orchards District Plan was adopted (April 18, 1979) or on the date when the Forks of the Walla Walla River Plan and zoning were adopted (May 9, 1983). In addition, the creation of new non-farm dwellings can occur if the criteria is met as outlined in ORS 215.263 (5).~~

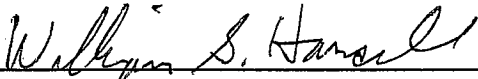
~~To address another unique situation in the Orchards District Agricultural Area, it is necessary to make some adjustment to the state Exclusive Farm Use zone. Where there are significant concentrations of rural residences and small, part-time farms (Fruit Tract and Small Farm zoned areas), certain farms and non-farm uses allowed in the Exclusive Farm Use zone are not~~

~~compatible with this kind of concentrated development. Also, soil and groundwater conditions in these areas are fragile; therefore, careful development procedures need to be followed regarding certain uses. Therefore, some farm uses (e.g., intensive livestock farming) shall be conditional uses requiring hearings and neighborhood input. Some non-farm uses that can create potential impacts upon agriculture will also be considered conditional uses following similar development procedures. Other minor adjustments to the state EFU zone, to assure compatibility, usefulness to the community and insure public health are incorporated into the Fruit Tract Farm Exclusive Farm Use Zone.~~

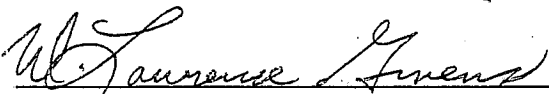
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

DATED this 16th day of June, 2008.

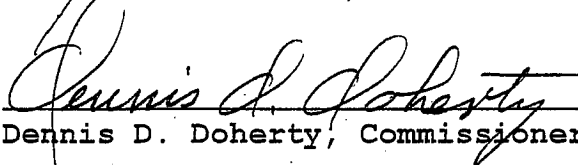
UMATILLA COUNTY BOARD OF COMMISSIONERS



William S. Hansell, Chair

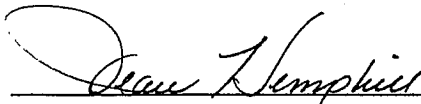


W. Lawrence Givens, Commissioner



Dennis D. Doherty, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Jeanne Hemphill
Records Officer

