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UMATILLA COUNTY RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending )  
Development Code to Update ) ORDINANCE NO. 2012-02  
and Revise Multiple Sections )

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

WHEREAS the Planning Department staff drafted a number of updates to the code, including elimination of outdated language and provisions, clarifying signatures on applications, combining seasonal farm worker housing application, final plat submission extension, updating uses in EFU and GF zones, home occupations, temporary hardship dwelling, and incorporating legislative changes;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on December 15, 2011, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on January 26, 2012, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance with revisions.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following 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):

§152.767 FORM OF PETITIONS, APPLICATIONS AND APPEALS.

(A) Petitions, applications, and appeals provided for in this chapter shall be made on forms prescribed by the County.

(B) Applications for the development of a lot or parcel must be signed by all legal property owners of that lot or parcel, or by a legally authorized representative.

(C) Applications shall be accompanied by plans and specifications, drawn to scale, showing the following:

§ 152.025 ZONING PERMIT.

(C) A zoning permit application must be signed by all legal property owners of the subject lot or parcel, or by a legally authorized representative.

**MUF 10, MULTIPLE USE FOREST ZONE**

**§ 152.170 PURPOSE.**

The MUF 10 Multiple Use Forest Zone is intended to provide medium size acreages within recreation residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain Residential (MR) or Forest Residential (FR) land.

**§ 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:

(2) Forest use, as ~~described in the Comprehensive Plan~~ defined in §152.003.

(B) Uses permitted with a zoning permit. In a MUF 10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant § 152.025:

**§ 152.172 CONDITIONAL USES PERMITTED.**

In a MUF 10 Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§152.610 through 152.616 and upon the issuance of a zoning permit:

**§ 152.173 DIMENSIONAL STANDARDS.**

In a MUF 10 Multiple Forest Zone, the following division, dimensions and standards shall apply:

**§ 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 §152.003, except livestock feed yards, mink farms, poultry farms, and the raising of hogs;

(2) Forest use, as ~~described in the Comprehensive Plan~~ defined in §152.003.

**§ 152.231 USES PERMITTED.**

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

(1) Farm and non farm use as defined in ORS 215.203 and set out in § 152.003, excluding livestock feed yards, mink farms, poultry farms, the raising of hogs, and private or public schools;

(2) Forest use as defined in the Comprehensive Plan §152.003.

**§ 152.040 ESTABLISHMENT.**

For the purpose of this chapter, the following use zones are hereby established:

Zones Designation	Abbreviated
Exclusive Farm Use	EFU
Grazing Farm	GF
Unincorporated Community	UC
Rural Residential 2	RR 2
Rural Residential 4	RR 4
Rural Residential 10	RR-10
Multiple Use Forest 10	MUF 10
Forest Residential 5	FR 5
Mountain Residential	MR
Retail/Service Commercial	RSC
Rural Retail/Service Comm	RRSC
Commercial Rural Center	CRC
Tourist Commercial	TC
Rural Tourist Commercial	RTC
Agribusiness	AB
Light Industrial	LI
Rural Light Industrial	RLI
Limited Rural Light Industrial	LRLI
Heavy Industrial	HI
Rural Heavy Industrial	RHI
Limited Rural Heavy Industrial	LRHI
Future Urban 10	FU-10
Existing Resort	ER

**§ 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 1 and 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~~ Allowed signs in the various zones are indicated by the following tables (for types of signs, see § 152.546):

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

**§ 152.546 TYPES OF SIGNS.**

(A) Type 1. Signs permitted in all zones and exempt from zoning permit requirements. One name plate or sign not exceeding two square feet in area for each dwelling, providing that the name plate or sign is attached to the house or incorporated with a mail box, paper box or fence gate.

**§ 152.116 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a UC Unincorporated Community Zone the following uses and their accessory uses may be permitted ~~conditionally and~~ upon the issuance of a zoning permit, pursuant to § 152.025:

(10) Signs: Type 2, ~~3~~, 4, 5, 8 and 9 as defined in § 152.546;

**§ 152.131 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a RR 2 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(6) Signs: Type 2, ~~3~~, 4, 5, 6 as defined in § 152.546;

**§ 152.156 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a RR 4 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(6) Signs: Type 2, ~~3~~, 4, 5, 6 as defined in § 152.546;

**§ 152.161 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a RR-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(6) Signs: Type 2, ~~3~~, 4, 5, 6 as defined in § 152.546;

**§ 152.171 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a MUF ~~10~~ Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant § 152.025:

(6) Signs: Type 2, ~~3~~, 4, 5, 6 as defined in § 152.546;

**§ 152.216 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In an FR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025:

(6) Signs: Type 2, 3, 4, 5, 6 as defined in § 152.546;

**§ 152.231 USES PERMITTED.**

(6) Signs: Type 2, 3, 4, 5, 6 as defined in § 152.546;

**§ 152.246 USES PERMITTED.**

(B) *Uses Permitted with a Zoning Permit.* In an RSC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025 and subject to the requirements of ~~152.249~~ §§152.248 through 152.250:

(20) Signs: Type 2, 3, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

**§ 152.252 USES PERMITTED.**

(B) *Uses Permitted with a Zoning Permit. In the RRSC Zone,* the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.254 through 152.256 of this chapter:

(20) Signs: Type 2, 3, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

**§ 152.261 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a CRC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.263 through 152.264:

(7) Signs: Type 2, 3, 4, 5, 7, 8, 9, 10,

11 as defined in § 152.546;

**§ 152.275 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a TC Zone, the following uses and their accessory uses are permitted ~~without a~~ upon the issuance of a zoning permit subject to the requirements of §§152.278 through 152.280 of this chapter:

(10) Signs: Type 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 as defined in § 152.546.

**§ 152.282 USES PERMITTED.**

(B) *Uses permitted with a zoning permit. In a RTC Zone,* ~~the~~ the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025 and subject to the requirements of §§152.284 through 152.286 of this chapter:

(10) Signs: Type 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 as defined in § 152.546.

**§ 152.291 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In an AB Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025: signs of Type 3, 4, 5, 7, 8, 9 and 11 as defined in § 152.546.

**§ 152.302 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In an LI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and ~~152.305~~ subject to the requirements of §§152.304 through 152.306 of this chapter:

(15) Signs: Type 3, 4, 5, 7, 8, 9, 10, 11, 12 as defined in § 152.546;

**§ 152.308 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In the RLI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §152.025 and subject to the requirements of §§152.310 through 152.312 of this chapter:

(16) Signs: Type 3, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

**§ 152.314 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In the LRLI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.316 through 152.318 of this chapter:

(17) Signs: Type 3, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

**§ 152.321 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a HI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025 and ~~152.324~~ subject to the requirements of §§152.323 through 152.325 of this chapter:

(13) Signs: Type 3, 4, 5, 8, 9, 11 as defined in § 152.546;

**§ 152.327 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In an RHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.329 through 152.331 of this chapter:

(14) Signs: Type 3, 4, 5, 8, 9, 11 as defined in § 152.546;

**§ 152.333 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In an LRHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.332 through 152.334 of this chapter:

(15) Signs: Type 3, 4, 5, 8, 9, 11 as defined in § 152.546;

**§ 152.336 USES PERMITTED.**

(B) *Uses permitted with a zoning permit.* In a FU 10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(5) Signs: Type 2, 3, 4, 5, 6 as defined in § 152.546;

~~§ 152.014 SEASONAL FARM WORKER HOUSING.~~

~~Seasonal farm workers housing (i.e. housing occupied for not more than nine months per calendar year by seasonal farm workers and their immediate families) is subject to the following standards, as well as applicable provisions of Oregon Revised Statutes:~~

~~(A) The number of seasonal farm workers dwelling units allowable shall be determined by the following standards:~~

~~(1) If the seasonal farm worker dwelling units are clustered, in independent areas or adjoining exiting farmsteads or groups of farm buildings, the number of allowable dwellings shall be based on a written justification of need submitted by the applicant, reflecting crop types and cropping systems for which the labor is required.~~

~~(2) If the seasonal farm worker dwelling units are not clustered, the number of allowable dwelling units shall be determined by subtracting the number of other existing farm dwelling units from the maximum number of farm dwellings allowable via the density established in each individual Exclusive Farm Use Zone.~~

~~(B) Seasonal farm worker housing shall comply with all applicable state and federal standards.~~

~~(C) Dwelling units shall be sited so as to minimize conflict with farming operations and so as to expose the occupants to the least amount of dust and pesticide spraying associated with farming practices.~~

~~(D) Development of seasonal farm workers housing shall comply with the following road and easement standards:~~

~~(1) Dwelling must be within 660 feet distance to a county road, federal or state highway, or a dedicated public road or easement improved to at least one-half width of a "D" standard;~~

~~(E) Dwelling units shall be provided with adequate outdoor play areas for children based on State Parks and Recreation Agency or federal public housing standards.~~

~~(F) Dwelling units shall be shaded on the south and west sides by deciduous and/or evergreen trees of a species and size that will produce full shading of the south and west walls and at least 50% of the roof area at mid day within five years of planting.~~

~~(G) If mobile homes are used as the dwelling units, they shall conform to § 152.013, and the current federal fire, life, and safety standards for mobile homes, and shall be skirted and installed to standard Oregon Building Codes Agency specifications.~~

~~(H) A dwelling site shall not be allowed within 500 feet of an established and/or active aggregate mining operation;~~

~~(I) In the selection of sites for seasonal farm workers housing, every attempt shall be made to utilize land that is the least suitable for agriculture, with the exception of wetlands and floodplain areas, or any other site subject to significant natural or man made hazards.~~

§ 152.576 SPECIAL EXCEPTIONS FOR

TEMPORARY MOBILE HOME PLACEMENT.

(A) Purpose. The purpose of this section is to establish special exceptions for temporary mobile home placement. These exceptions are intended to provide a means for modifying mobile home placement requirements in cases where a strict adherence to them might cause unusual or undue hardship to a citizen and contravene the goals of the Comprehensive Plan for the county. UNDUE HARDSHIP shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel such as a dwelling for seasonal farm labor, aged or disabled family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal use on the property in question. Nothing in this section shall be construed to require the granting of such special exception.

(B) *Circumstances for granting exception.* A mobile home may be temporarily located on a building site or lot under the following circumstances:

(1) where there exists a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home; or

~~(2) Where the resident of the mobile home is to be engaged in bona fide agricultural, forestry management or mineral extraction work on the subject property, and where the subject property is not in an EFU or GF Zone.~~

(C) Conditions. The following conditions shall be applied by the Hearings Officer in evaluating an application for special exception for temporary mobile home placement:

(1) The temporary mobile home shall be connected to the same subsurface sewage disposal

system used by the existing dwelling. If the temporary hardship home will use a public sanitary sewer system such condition will not be required;

(2) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship. However, The mobile home shall be removed 90 days after the original need has ceased;

(3) The ~~Hearings Officer~~ Planning Director or designated authority may require doctor's certification for applications based upon family member dependency due to medical reasons;

(4) The location of a temporary mobile home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;

(5) In granting a special exception for temporary mobile home placement, the ~~Hearings Officer~~ Planning Director or designated authority may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.

**§ 152.055 DESCRIPTION AND PURPOSE.**

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

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

**§ 152.669 FINAL PLAT.**

(A) Submission.

(A)(1) Within one year from the date of approval of a tentative plan, a subdivider or owner within a cluster development shall prepare a final plat in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county assessor's office for review. An extension of up to one year may be granted the subdivider or owner within a cluster development for the filing of the final plat map upon a written request submitted to the Planning Director.

**§ 152.686 FINAL PARTITION PLAT.**

(A) Within one year from the date of approval of a tentative plan, the applicant shall file with the Planning Department a final plat map. This plat is intended to be recorded in the record of partition plats of the county. A final plat that is a replat of an existing recorded partition will also be referenced on the original partition plat. An extension of up to one year may be granted the applicant for the filing of the final plat map upon a written request submitted to the Planning Director.

**§ 152.698 FINAL REPLAT.**

Within one year from the date of approval of a tentative plan, the applicant shall file with the Planning Department a final replat. This replat is intended to be recorded in the Town Plat Records of Umatilla County and will be referenced on the original subdivision plat. This replat shall be reviewed and processed in the same manner as a final subdivision plat, and shall conform to the standards for a final subdivision plat, all as set forth in § 152.669 of this chapter. An extension of up to one year may be granted the applicant

for the filing of the final replat map upon a written request submitted to the Planning Director.

**§ 152.721 PRE-FILING CONFERENCE;  
LAND DIVISION APPLICATION.**

(A) An applicant requesting a Type V Land Division shall request and hold a pre filing conference with the Planning Department staff.

(B) Within 45 days of the date of the conference, the applicant shall file with the Planning Department a completed land division application, including the following:

(2) Provide an accurate legal description on 8 1/2" x 11" paper of the each parcels as proposed to be altered after the adjustment as well as a legal description of the property being adjusted between the parcels involved.

**§ 152.652 PREVIOUS APPROVALS.** [Section Deleted]

~~(A) A preliminary subdivision plan, major partition, or a minor partition map completed, approved and on file in the Planning Department Office prior to the effective date of this chapter, shall have one year from the date a tentative plan for a subdivision or map for a major or minor partition was approved, in which to record in the Recorder's Office and/or have segregated through the Assessor's Office, lots in a subdivision (cluster development), major partition or minor partition.~~

~~(B) All subdivision, major partitions and minor partitions not acted upon according to division (A) of this section, shall comply with the new provisions of this chapter.~~

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

The following standards shall apply for review by the ~~Hearings Officer,~~ the Planning Director or designated planning authority of the

specific conditional uses and land use decisions listed below:

**(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) Explain how the proposed commercial activity complies with other conditions as deemed necessary: the following standards:

(a) The activity must enhance the farming activities of the local agricultural community.

(b) The agricultural and commercial activity must occur together in the local community, and

(c) The product or service must be essential to the practice of agriculture. Additional activity that is incidental to and supportive of the primary purpose does not disqualify the commercial activity.

#### § 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 zoning permit per § 152.026.

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

(C) Onsite filming and activities accessory to

onsite filming for 45 days or less as provided for in ORS 215.306.

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

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

(F) Landscaping as part of a transportation facility

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

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

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

(1) A public right of way;

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

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

(J) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.

(K) The transport of biosolids by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or

468B.055 or in compliance with rules adopted under ORS 468B.095. The transport and the land application are allowed outright.

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

(M) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

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

#### § 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~~ 152.562:

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

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

(C) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(G) Signs: Type 2, 3, 4, 5, 6 as defined in § 152.546;

(O) Home occupations as provided in § 152.573;

#### § 152.059 LAND USE DECISIONS.

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

(A) [Item Deleted]

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

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

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

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

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

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

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

~~(I) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505. [Item Deleted]~~

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

~~roads and highways. [Item Deleted]~~

## (K) DWELLINGS

### (V) *Forest Use Dwelling.*

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

## § 152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed in OAR 660, Division 033.

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

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

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

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

~~(3) Mining of aggregate and other mineral and other subsurface resources subject to ORS 215.298;~~

~~(4) (3) Processing, as defined by ORS 517.750,~~

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

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

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

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

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

(F) Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I) (C). (For specific criteria for Wind Power Generation see § 152.616 (HHH))

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

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

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

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

(J) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling allowed in the EFU zone as a temporary use for the term of the hardship suffered by the existing resident or relative of the resident, as defined in ORS 215.283 (2), subject to provisions in §§ 152.575, 152.576 and 152.059 (K)(IX) as provide in § 152.617 (I) (V).

(K) Dog kennels on a parcel or tract not meeting the definition of high value farmland as provided in § 152.617 (I) (I).

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

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

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

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

(P) Improvement of public roads and highway

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

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high value farmland as provided in § 152.617 (I) (F).

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

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

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

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

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

(2) The project is designed to minimize avoidable

environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

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

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

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

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

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

(Z) A wildlife habitat conservation and management plan pursuant to ORS 215.800 to 215.808.

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

(BB) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340 96 020, and which are not facilities that are a "farm use" as defined OAR 660 033 0020(7) and as provided in § 152.617 (I) (E).

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

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

## GF, GRAZING/FARM ZONE

### § 152.081 USES PERMITTED OUTRIGHT.

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

(A) Farm use, as defined in ORS 215.203 and § 152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses and structures (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 § 152.082026.

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

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

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

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

(F) Landscaping as part of a transportation facility.

(G) Emergency measures necessary for the safety and protection of property

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

(I) Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation;

(J) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups;

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

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

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

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

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

(P) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(O) Private hunting and fishing operations without any lodging accommodations.

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

(S) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

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

(U) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

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

**§ 152.083 USES PERMITTED WITH A ZONING PERMIT.**

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

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

(B) Church and a cemetery in conjunction with a church provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

(C) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

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

(E) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1) (a) or (b).

~~(F) Construction and maintenance of local feeder lines of utility companies and agencies. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.~~

~~(G) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division.~~

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

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

~~(J) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. Uninhabitable structures accessory to fish and wildlife enhancement.~~

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

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

(M) A winery, as described in ORS 215.452.

(N) Farm stands if:

(1) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 % of the total sales of the farm stand; and

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

(O) Alteration, restoration or replacement of a lawfully established single-family dwelling that:

(1) Has intact exterior walls and roof structures;

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

(3) Has interior wiring for interior lights;

(4) Has a heating system; and



(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable non residential use within three months of the completion of the replacement dwelling.

~~(P) A gas utility line located within an existing gas utility line right of way, and not involving the construction of additional facilities or service hook-ups. Fire stations for rural fire protection.~~

(Q) Signs: Type 2, 3, 4, 5, 6 as defined in § 152.546;

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

~~(S) Seasonal farm worker housing as provided in ORS 197.675 and subject to standards in § 152.014.~~

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

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

~~(U) Home occupations as provided in §152.573.~~

#### **§ 152.084 DWELLINGS LAND USE DECISIONS.**

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

(A) Caretaker residences for public parks and public fish hatcheries:

(B) Churches and a cemetery in conjunction with a church provided the church is not within 3 miles of an urban growth boundary unless an

exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland as provided in § 152.617 (II) (2) and/or (3).

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

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

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

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

(G) The land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under

ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251.

(H) Item left open.

(I) Item left open.

(J) Item left open.

(K) DWELLINGS.

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

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

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

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

(1) Large Tract Forest Dwelling. —A dwelling meeting the criteria established in OAR 660-006-027: A Large Tract Forest Dwelling may be allowed if the following criteria are met:

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

(b) The dwelling is sited on a tract of

320 acres in one ownership that are not contiguous but are in the same Umatilla County or adjacent counties and zoned for forest use.

~~1-~~ (i) For the purposes of this division, approval of the dwelling is subject to providing evidence that a non revocable or irrevocable deed restriction has been recorded with either the county records office or clerks office of the county or counties where the property subject to the covenant's conditions, and restrictions is located. The deed restriction shall preclude all future rights to construct a dwelling on the tract(s) or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forest lands. The language of the deed restriction, the procedures for recording and procedures under which counties shall be keep records of the subject lots or parcels shall meet the requirements in ORS 215.740(3)(c). Enforcement of the deed restriction may be undertaken by DLCD or by the county or counties where the property is subject to the restriction is located. The failure to follow the requirements of this division shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the deed restrictions.

~~2-~~ (ii) A tract shall not be considered to be less than the required acreage because it is crossed by a public road or waterway.

(2) Alternative Template Dwelling. A dwelling meeting the criteria in OAR 660-006-027(4): A Template Dwelling may be allowed if the following criteria are met:

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

~~(1)~~ (i) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

a. All or part of at least three other lots or parcels that existed on January

1, 1993 are within a 160 acre square ~~or template that is centered on the center of the subject tract except as otherwise stipulated in division (B)(2)(a)4. below; and~~

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

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

a. All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160 acre square ~~or template that is centered on the center of the subject tract except as otherwise stipulated in division (B)(2)(a)4. below; and~~

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

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

a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square ~~or template that is centered on the center of the subject tract except as otherwise stipulated in division (B)(2)(a)4. below; and~~

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

(4) (iv) If a tract 60 acres or larger abuts a road or perennial stream, the review or analysis shall be made by using a 160 acre rectangle or template that is one mile long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream. If a road

crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract; and

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

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

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

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

(3) ~~Fire siting design and other structure siting criteria. The following criteria shall apply to new dwellings listed in division (B)(1) and (B)(2) above and division (B)(4) below:~~

(4) Lot of Record Dwelling. A Lot of Record Dwelling may be allowed if the following criteria are met: meeting the definition of "owner" in ORS 215.705(6) and complying with the criteria in ORS 215.710(1), 215.720(1)(b), (2) and (3), and 215.730(1)(a)(A), (b) and (2):

(a) The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species (trees recognized under rules adopted under ORS 527.715) and is located

within 1,500 feet of a Public Road as defined in ORS 368.001. The road shall not be a United States Forest Service road or Bureau of Land Management road and shall be maintained and either paved or surfaced with rock and shall not be:

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

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

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

(1) (i) Prior to January 1, 1985;

or

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

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

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

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

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

dwelling under this section may be denied if the county determines that the dwelling would:

~~(1) Exceed the facilities and service capabilities of the area;~~

~~(2) Materially alter the stability of the overall land use pattern in the area.~~

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

(h) For the purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner: For purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

~~1. Submits a statement of agreement from the Natural Resources Conservation Service of the U.S. Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or~~

~~2. Submits a report from a soils scientist whose credentials are acceptable to the State Department Agriculture that the soil class, soil rating or other soil designation should be changed; and~~

~~3. Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in (B)(4)(h)2. above and finds the analysis in the report to be scientifically based.~~

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

(j) The dwelling meets the fire siting, design and other structure siting requirements in ~~(B)(3)~~ above § 152.089

### § 152.085 CONDITIONAL USES PERMITTED.

In the GF zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.616617. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted.

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

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

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

(2) Exploration for Mining, crushing or

stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

~~(3) Mining of aggregate and other mineral and other subsurface resources subject to ORS 215.298;~~

~~(4)~~ (3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement as provided in § 152.617 (I) (A). New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

~~(5)~~ (4) Processing of other mineral resources and other subsurface resources.

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

~~(D) Parks, playgrounds or community centers owned and operated by a governmental agency or a non profit community organization. Public parks. A public park may be established consistent with the provisions of ORS 195.120, and includes only the uses specified under OAR 660 034 0035 or OAR 660 034 0040, whichever is applicable as provided in § 152.617 (I) (O).~~

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

(F) Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more

than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4 and as provided in § 152.617 (I) (C). (For specific criteria for Commercial Wind Power Generation see § 152.616 (HHH))

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

(H) Home occupations carried on by residents or employee of a resident of the property on which the business is located as an accessory use within their dwellings or other buildings customarily provided in conjunction with farm use, except a home occupation located on high value farmland, as defined in § 152.003, may employ only residents of the dwelling as provided in § 152.617 (I) (H).

(I) A facility for the primary processing of forest products. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community as provided in § 152.617 (I) (D).

(J) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, ~~subject to provisions in §§ 152.575 and 152.576~~ as provided in § 152.617 (I) (V).

(K) Dog kennels on a parcel or tract not meeting the definition of high-value farmland as provided in § 152.617 (I) (I).

(L) A site for the disposal of solid waste approved by the governing body of the County for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value

farmland and may be maintained, enhanced or expanded on the same tract subject to § 152.086 and as provided in § 152.617 (I) (S).

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

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

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

(P) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high value farmland as provided in § 152.617 (I) (F).

(R) Construction of new utility facilities, including transmission lines and towers, necessary for public service, ~~excepting as provided in §§ 152.058 (D), (H) and (R)~~ as provided in § 152.617 (I) (C).

(S) Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2). An outdoor mass gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

(T) On site filming and activities accessory to on

site filming provided for in ORS 215.306 and as provided in § 152.617 (I) (L).

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

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

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

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

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

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

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

(X) Public or private schools for kindergarten

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

(Y) Permanent facility for the primary processing of forest products;

(Z) Permanent logging equipment repair and storage;

(AA) Log scaling and weigh stations;

(BB)(1) Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

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

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

(CC) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;

(DD) Transmission or communication towers over 200 feet as provided in § 152.617 (I) (T).

(EE) Aids to navigation and aviation;

(FF) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

(GG) Reservoirs and water impoundments;

(HH) Firearms training facility;

(II) Cemeteries;

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

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

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

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

(KK) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

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

(MM) Private accommodations for fishing occupied on a temporary basis may be allowed subject to §152.086 and §152.088 and the following requirements:

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

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

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

(4) Accommodations must be located within one-quarter mile of fish bearing Class I waters; and

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

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

§ 152.086 LIMITATIONS ON



## CONDITIONAL USES.

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

~~(A) Is compatible with farm uses described in ORS 215.203(2) and the intent and purpose set forth in ORS 215.243, and will not significantly affect other existing resource uses that may be on the remainder of the parcel or on adjacent lands. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.~~

~~(B) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses, nor interfere with other resource operations and practices on adjacent lands, and will not. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and~~

~~(1) Force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;~~

~~(C) Does not materially alter the stability of the overall land use pattern of the area. The county shall consider the cumulative impact of non farm dwellings on other lots or parcels in the area similarly situated, and whether creation of the parcel will lead to creation of other parcels, to the detriment of agriculture and other resource uses in the area. A written statement (i.e. Covenant Not to Sue Agreement) recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in § 152.085 (H), (J), (BB), (HH).~~

and (NN) of this chapter.

~~(D) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.~~

## § 152.089 GENERAL SITING AND FIRE SITING STANDARDS

The following criteria shall apply to all new dwellings and structures listed in division (B)(1) and (B)(2) above and division (B)(4) below the GF Zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

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

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

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

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

(4) The risks associated with wildfire are minimized.

(B) Siting criteria satisfying division (B)(3)(a) (A) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

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

the purposes of this division, evidence of a domestic water supply means:

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

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

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

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

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

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

~~(F)~~ (2) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the County Assessor

and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

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

(4) The Planning Director or authorized designee shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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

(1) Shall have a fire retardant roof; The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system.

onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Will not be sited on a slope greater than 40%; Road design standards shall meet the appropriate rural fire protection district and forest protection district standards for private roads and bridges, except for private roads and bridges accessing only commercial forest uses. If no such standards exist, the county shall, on a site by site basis, consult with the appropriate fire or forest protection district to determine mutually agreed upon road and access standards considering maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions.

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

(4) Dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract; The dwelling shall have a fire retardant roof.

(5) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district; The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the County determines that meeting the requirement of division (B)(3)(g)4. above is impractical, the County may provide an alternative means for protecting the dwelling from fire hazards. Such means selected may include a fire sprinkling system, on site equipment and water storage or other methods that are reasonable, given the conditions. If a water supply is required under this division, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second.) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

(7) Owner(s) provide and maintain a primary fuel free break area surrounding all structures and clear and maintain a secondary fuel-free break area in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures" dated March 1, 1991 published by the Oregon Department of Forestry.

(8) Road access shall be provided to within 15 feet of the water's edge for fire fighting equipment and pumping units.

(9) Road access shall accommodate the turnaround of firefighting equipment during the fire season.

(10) Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

~~(11) Road design standards shall meet the appropriate rural fire protection district and forest protection district standards for private roads and bridges, except for private roads and bridges accessing only commercial forest uses. If no such standards exist, the county shall, on a site by site basis, consult with the appropriate fire or forest protection district to determine mutually agreed upon road and access standards considering maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions.~~

### § 152.003 DEFINITIONS.

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

Cubic Foot Per Acre means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

Cubic Foot Per Tract Per Year means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

### § 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

- (A) Agricultural commodity, collection, sorting or processing establishment.
- (B) Airport or landing strips.
- (C) Asphalt plants.
- (D) Automobile service station.
- (E) Automobile wrecking yard or junkyard.
- (F) Blacksmith machine shop or welding shop.
- (G) Boarding of horses for profit; stables
- (H) Boarding, lodging or rooming house.
- ~~(I) Bunkhouse or farm or forest related dwellings.~~  
[Item Deleted]

- (J) Cemetery.
- (K) Churches.
- (L) Church Camp.
- (M) Cold storage.
- ~~(N) Commercial activities that are in conjunction with farm use. [Item Deleted]~~
- (O) Commercial activity (to support multiple use areas).
- (P) Commercial amusement facilities.
- (Q) Mining
- (R) Commercial greenhouse or nursery.
- (S) Commercial recreation use.
- (T) Commercial utility facilities.
- (U) Concrete manufacturing plant or concrete block or dice manufacturing plant.
- (V) Day care or nursery.
- (W) Drug paraphernalia shop, adult bookstore or adult movie theater (criteria needed here).
- (X) Dwellings (as an accessory use) for the owner or operator of each existing permitted use.
- (Y) Eating or drinking establishment.
- (Z) Facility for the primary processing of forest products.
- (AA) Farm machinery or irrigation system equipment sales, service and storage.
- (BB) Fertilizer and agricultural chemical sales.
- ~~(CC) Golf courses and their related services and facilities. [Item Deleted]~~
- (DD) Grain elevator.
- (EE) Grange hall or community center.
- (FF) Handling or storage of hazardous chemicals or flammable liquids.
- (GG) Handling and storage of radioactive waste.
- (HH) Hauling, freighting or trucking yard or terminal.
- (II) Home occupations/cottage industry.
- (JJ) Livestock feedlots or sale yards, hog or poultry farms, or the raising of fur bearing animals.
- (KK) Kennels or dog pounds.
- (LL) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries.
- (MM) Mini-warehouses.
- (NN) Mobile home parks or travel trailer parks.
- (OO) Model home.
- (PP) Petroleum products sales and storage.
- (QQ) Public or private parks or playgrounds or community center owned and operated by a

governmental agency or a non profit community organization.

(RR) Personal use airports and helipads, and related structures.

(SS) Public or semi public use.

(TT) Recreational resort facilities.

(UU) Rest home, home for the aged, nursing home or convalescent home.

(VV) Retail and service commercial.

(WW) Roadside stands for the sale of agricultural products grown by the owner.

(XX) Sand or gravel storage yard.

(YY) Schools

(ZZ) Slaughter house.

(AAA) Tire recapping.

(BBB) Truck stop or trucking terminal.

(CCC) Utility facility.

(DDD) Veterinary clinic or animal hospital.

(EEE) Wholesale business, storage building or warehouse.

~~(FFF) Wineries [Item Deleted]~~

(GGG) Wood processing facilities.

(HHH) Commercial Wind Power Generation Facility

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

(A) *Agricultural commodity, collection, sorting or processing establishment.*

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(C) *Asphalt plants.*

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(E) *Automobile wrecking yard or junkyard.*

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

(H) *Boarding, lodging or rooming house.*

(5) Complies with other conditions as deemed necessary provided in § 152.615.

~~(I) Bunkhouse or farm or forest related dwellings. [Item Deleted]~~

~~Other than principal dwellings, provided that:~~

~~(1) The resident(s) of the dwelling will be engaged in a bona fide farming, grazing, forestry activity or mineral work on the subject property;~~

~~(2) The least amount of farming, grazing, and forestry land is taken out of production.~~

~~(3) Have the same required lot area density as need for principal dwellings;~~

~~(4) Complies with other conditions deemed necessary.~~

(L) *Church Camp.*

(10) Complies with other conditions as deemed necessary provided in § 152.615.

(M) *Cold storage.*

(5) Complies with other conditions as deemed necessary provided in § 152.615.

~~(N) Commercial activities that are in conjunction with farm use. [Item Deleted]~~

~~Commercial activities that are in conjunction with farm use, including but not limited to, public grain elevators, feed and seed cleaning and processing facilities, commercial and personal use feedlots, livestock sale yards, commercial agricultural chemical storage tanks, 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. An appropriate buffer or setback area may be required from adjacent properties, 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) Complies with other conditions as deemed necessary.~~

~~(O) Commercial activity (to support multiple use areas).~~

~~(11) Complies with other conditions as deemed necessary provided in § 152.615.~~

~~(Q) Mining~~

~~(7) A reclamation plan has been~~

submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance Department of Geology and Mineral Industries;

~~(12) Within an Exclusive Farm Use Zone, the requested site must be included on an inventory included in the acknowledged Comprehensive Plan in order for a permit for mining of aggregate to occur.~~

~~(R) Commercial greenhouse or nursery.~~

~~(7) Complies with other conditions as deemed necessary provided in § 152.615.~~

~~(S) Commercial recreation use.~~

~~(13) A site plan shall be submitted with the conditional use application and drawn or certified by an Oregon licensed architect or registered engineer;~~

~~(14) Certification from an Oregon licensed engineer that adequate water supplies are available for both domestic and fire suppression use;~~

~~(15) A site plan shall be submitted with the conditional use application and drawn or certified by an Oregon licensed architect or registered engineer;~~

~~(16) Certification from an Oregon licensed engineer that adequate water supplies are available for both domestic and fire suppression use;~~

~~(17) (15) A favorable site suitability report from the Department of Environmental Quality is obtained for the proposed use(s) and is submitted with the conditional use application;~~

~~(18) (16) Certification from an Oregon licensed engineer that surface water runoff will be directed so as not to adversely impact adjacent lands;~~

~~(19) (17) The facility be associated with~~

a unique scenic, historic, or recreational value;

~~(20) Buildings shall be set back at least 200 feet from lands zoned GF;~~

~~(21) (18) Complies with other conditions as deemed necessary provided in § 152.615.~~

(T) *Commercial utility facilities.*

Commercial utility facilities for the purposes of generating and distributing power for public use by sale. Such facilities shall include, but are not limited to, fire stations, electrical substations, power trams, water storage tanks, sewage disposal facilities, water treatment facilities, towers or transmitting facilities for radar and television, and dams. This does not include Commercial Wind Power Generation Facility (See specific criteria, Section 152.616 (HHH), or local distribution lines for sewer, water, gas, telephone, and power and similar minor facilities. These uses are allowed provided that:

(10) Complies with other conditions as deemed necessary provided in § 152.615.

(U) *Concrete manufacturing plant or concrete block or dice manufacturing plant.*

(7) Complies with other conditions as deemed necessary provided in § 152.615.

(V) *Day care or nursery.*

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

(X) *Dwellings (as an accessory use) for the owner or operator of each existing permitted use.*

(4) Complies with other conditions necessary to maintain the integrity of the zoning district as provided in § 152.615.

(Y) *Eating or drinking establishment.*

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

(AA) *Farm machinery or irrigation system equipment sales, service and storage.*

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

(BB) *Fertilizer and agricultural chemical sales.*

(5) Complies with other conditions necessary to protect adjacent land uses as provided in § 152.615.

~~(CC) Golf courses and their related services and facilities. [Item Deleted]~~

~~(1) There is sufficient off street parking for employees, owners and patrons;~~

~~———— (2) The use has access to a dedicated public or county road or state highway;~~

~~———— (3) Interior access roads shall be improved to a standard and follow grades approved by the Public Works Director;~~

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

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

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

~~———— (7) A site plan shall be submitted with the application drawn or certified by an Oregon licensed landscape architect or registered engineer;~~

~~———— (8) Certification from an Oregon licensed engineer shall be submitted showing that adequate water supplies are available for domestic (includes water for fairways and greens) and fire suppression use;~~

~~———— (9) Certification from an Oregon licensed engineer shall be submitted that surface runoff will be directed so as not to adversely impact adjacent land.~~

~~———— (10) A favorable site suitability report from the DEQ is obtained for related services requiring sanitation facilities and is submitted with the application.~~

(DD) Grain elevator.

(5) Complies with other conditions necessary to protect adjacent land uses as provided in § 152.615.

(EE) Grange hall or community center.

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

(FF) Handling or storage of hazardous chemicals or flammable liquids.

(7) Complies with other conditions as deemed necessary as provided in § 152.615.

(GG) Handling and storage of radioactive waste.

(8) Complies with other conditions as deemed necessary as provided in § 152.615.

(HH) Hauling, freighting or trucking yard or terminal.

(5) Complies with other conditions necessary to protect adjacent land uses as provided in § 152.615.

(JJ) Livestock feedlots or sale yards, hog or poultry farms, or the raising of fur bearing animals.

(8) Complies with other conditions as deemed necessary as provided in § 152.615.

(KK) Kennels or dog pounds.

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

(LL) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries.

(4) Complies with other conditions as deemed necessary as provided in § 152.615.

(OO) Model home.

(5) Complies with other conditions as deemed necessary as provided in § 152.615.

(PP) Petroleum products sales and storage.

(5) Complies with other conditions deemed necessary to protect adjacent land uses as provided in § 152.615.

(QQ) Public or private parks or playgrounds or community center owned and operated by a governmental agency or a non profit community organization.

(10) Complies with other conditions as deemed necessary as provided in § 152.615.

(RR) Personal use airports and helipads, and related structures.

(8) Complies with other conditions as deemed necessary as provided in § 152.615.

~~———— (9) Within an EFU Zone, the following additional standards as set forth in ORS 215.283(2)(g) shall apply:~~

~~———— (a) PERSONAL USE LANDING STRIP, as used in this division, means an airstrip restricted, except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural operation.~~

~~———— (b) No aircraft may be based on a personal use landing strip other than those owned~~



~~or controlled by the owner of the airstrip.~~

~~(c) Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances.~~

~~(d) The personal use landing strip law fully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.~~

(SS) *Public or semi public use.*

(11) Complies with other conditions as deemed necessary as provided in § 152.615.

(TT) *Recreational resort facilities.*

(20) Complies with other conditions as deemed necessary as provided in § 152.615.

(UU) *Rest home, home for the aged, nursing home or convalescent home.*

(5) Complies with other conditions as deemed necessary as provided in § 152.615.

(VV) *Retail and service commercial.*

(5) Complies with other conditions as deemed necessary as provided in § 152.615.

(WW) *Roadside stands for the sale of agricultural products grown by the owner.*

(7) Complies with other conditions as deemed necessary as provided in § 152.615.

(XX) *Sand or gravel storage yard.*

(5) Complies with other conditions as deemed necessary as provided in § 152.615.

(YY) *Schools*

(5) Complies with other conditions as deemed necessary as provided in § 152.615.

(ZZ) *Slaughter house.*

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

(AAA) *Tire recapping.*

(7) Complies with other conditions deemed necessary as provided in § 152.615.

(BBB) *Truck stop or trucking terminal.*

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

(CCC) *Utility facility.*

(11) Complies with other conditions as deemed necessary as provided in § 152.615.

(DDD) *Veterinary clinic or animal hospital.*

(7) Complies with other conditions as deemed necessary as provided in § 152.615.

(EEE) *Wholesale business, storage building or warehouse.*

(6) Complies with other conditions necessary to protect adjacent land uses as provided in § 152.615.

~~(FFF) Wineries. Wineries in EFU Zones are subject to the following standards, contained in ORS 215.452. [Item Deleted]~~

~~(1) A WINERY is a facility that produces wine, and that is allowed to sell wine produced by the winery as well as items directly related to wine, the sales of which are incidental to on-site retail sale of that wine, including limited restaurant service.~~

~~(2) If the winery produces less than 50,000 gallons annually, the winery must meet one of the following criteria to be allowed:~~

~~(a) Owns an on site vineyard of 15 acres; or~~

~~\_\_\_\_\_ (b) Owns a contiguous vineyard of 15 acres; or~~

~~\_\_\_\_\_ (c) Has a long term contract for the purchase of all grapes from at least 15 acres of vineyards; or~~

~~\_\_\_\_\_ (d) Combination of the above, totaling at least 15 acres of vineyards under the control of the winery.~~

~~\_\_\_\_\_ (3) If the winery produces from 50,000 to 100,000 gallons annually, the winery must meet one of the following criteria to be allowed:~~

~~\_\_\_\_\_ (a) Owns an on site vineyard of 40 acres; or~~

~~\_\_\_\_\_ (b) Owns a contiguous vineyard of 40 acres; or~~

~~\_\_\_\_\_ (c) Has a long term contract for the purchase of all grapes from at least 40 acres of vineyards; or~~

~~\_\_\_\_\_ (d) Any combination of the above, totaling at least 40 acres of vineyards under the control of the winery.~~

~~\_\_\_\_\_ (4) The following development standards shall be applied:~~

~~\_\_\_\_\_ (a) The winery, parking, shipping, and circulation system shall be set back at least 50 feet from all property lines, and shall be buffered from adjoining property if not owned by the winery, by landscape plantings, including trees.~~

~~\_\_\_\_\_ (b) The winery shall have direct frontage and access to a paved or well graveled county road or a paved state highway.~~

~~\_\_\_\_\_ (c) The winery shall comply with all other applicable standards contained in this chapter, including, but not limited to, the Flood Hazard Overlay Zone, off street parking, and sign regulations.~~

~~\_\_\_\_\_ (d) All truck loading maneuvering~~

~~areas shall be located off the public right of way.~~

~~(GGG) Wood processing facilities.~~

~~(5) Complies with other conditions as deemed necessary as provided in § 152.615.~~

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

Two sections:

- (I) EFU AND GF ZONE CONDITIONAL USES
- (II) EFU AND GF ZONE LAND USE DECISIONS

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

#### **§ 152.573 HOME OCCUPATIONS.**

(A) A HOME OCCUPATION is a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged.

(B) A home occupation shall be allowed in any zone, provided that:

(1) The residential character of the building is maintained;

(2) The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term, not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(3) Outside storage of materials, equipment, or products related to the home occupation shall not be allowed.

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

(5) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes, or for dispatch to other locations.

(6) Retail sales are not to be offered as part of the home occupation.

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

#### § 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

##### (II) Home occupations/cottage industry.

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident of the property on which the business is located, within the same dwelling or in an accessory building normally associated with uses located in the zone;

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

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

(4) No materials or mechanical equipment

shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

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

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

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

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

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

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

(11) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. Parking on public roads or easements must not occur at any time. If off-street parking is provided on a nearby parcel a written agreement between the applicant and the property owner(s) where off-street parking will occur must be provided.

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

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

(I) EFU CONDITIONAL USES

(H) *Home Occupations/Cottage Industry.*

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located, within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

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

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

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

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

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

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

purpose other than a dwelling;

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

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

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

(11) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. Parking on public roads or easements must not occur at any time. If off-street parking is provided on a nearby parcel a written agreement between the applicant and the property owner(s) where off-street parking will occur must be provided.

**§ 152.013 MOBILE HOMES.**

(A) Siting. Mobile homes may be maintained for residential purposes in the unincorporated portions of the county only as provided herein:

(1) Where permitted by a zoning district pursuant to a zoning permit;

(2) Mobile homes in authorized mobile home park. A zoning permit is not required for mobile homes located within authorized mobile home parks, unless the mobile home park is located in a Flood Hazard Overlay Zone;

(3) Temporary mobile home placement in conformance with § 152.576 and § 152.617 (I) (V) of this chapter.

(4) Converting a mobile home to a non-residential

structure. A mobile home shall not be converted to a non-residential structure in any zone.

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

**(I) EFU CONDITIONAL USES**

(V) Temporary Hardship Dwellings.

(1) Purpose. The purpose of this section is to establish temporary hardship dwellings in the EFU Zone. A hardship dwelling is one manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. UNDUE HARDSHIP shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel. The aged or disabled person must require direct personal care in order to qualify for a temporary hardship dwelling. If the hardship is suffered by the existing resident then a non-relative caregiver may live in the temporary hardship dwelling. Nothing in this section shall be construed to require the granting of such temporary hardship dwelling.

(2) Conditions. The following conditions shall be applied in evaluating an application for a Temporary Hardship Dwelling:

(a) The temporary hardship dwelling shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship dwelling will use a public sanitary sewer system such condition will not be required.

(b) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship.

(c) The Planning Director or designated authority

may require doctor's certification based upon family member dependency due to age and/or medical reasons.

(d) The location of a temporary hardship dwelling on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply:

(e) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.

(f) A temporary hardship dwelling approved under this sub-section is not eligible for replacement.

**§152.059 LAND USE DECISIONS.**

**(K) DWELLINGS.**

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

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

**(I) Primary Farm Dwellings.**

(1) Dwellings customarily provided in conjunction with farm use on high value farmland as defined in § 152.003 for the following:

(A) Income test. A dwelling meeting the criteria

established in OAR 660-33-135 (7):

1. The subject tract is currently employed for farm use that produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, ~~or in~~ at least three of the last five years, ~~or based on the average farm income earned on the tract in the best three of the last five years;~~ and

(2) Dwellings customarily provided in conjunction with farm use on non high value farmland for the following:

(B) Income Test. A dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for farm use that produced at least \$40,000 in gross income from the sale of farm products in each of the last two years, ~~or in~~ at least three of the last five years, ~~or based on the average farm income earned on the tract in the best three of the last five years;~~ and the lower of the following:

(i) ~~At least \$40,000 in gross income from the sale of farm products; or~~

(ii) ~~Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.~~

(III) Accessory Farm Dwelling.

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

1. On land not identified as high value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for

farm use, as defined in ORS 215.203, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years or, in at least three out of the last five years the lower of the following, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. (i) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

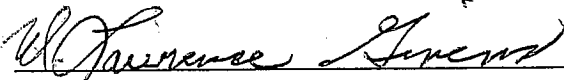
(ii) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.


2. On land identified as high value farm land, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or, in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

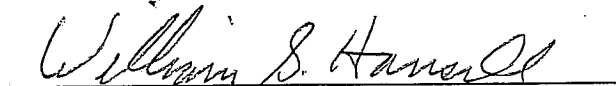
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and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

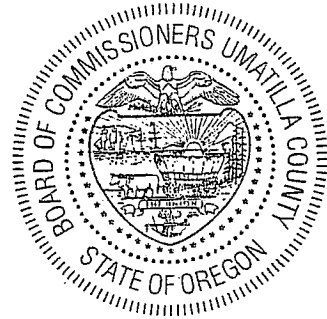
DATED this 26th day of January, 2012.

UMATILLA COUNTY BOARD OF COMMISSIONERS


  
\_\_\_\_\_  
W. Lawrence Givens, Chair

  
\_\_\_\_\_  
Dennis D. Doherty, Commissioner

  
\_\_\_\_\_  
William S. Hansell, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

  
\_\_\_\_\_  
Records Officer

