

2017-004639

Klamath County, Oregon



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Fee: NO FEE

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 2-17**FINAL ORDER**

WHEREAS, Klamath County, applicant, proposed language amendments to Article 54 Exclusive Farm Use Zone, Article 55 Forestry Zone, and Article 55.2 Forestry/Range Zone of the Klamath County Land Development Code to update the requirements to be consistent with State law and case-law; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on April 25, 2017 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Land Development Code text amendment in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed findings of fact in the Staff Report their own, the Planning Commission forwarded a recommendation for approval to the Board of County Commissioners; and

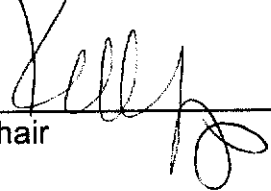
WHEREAS, the Board of County Commissioners concluded the application was in conformance with State Law, Klamath County Comprehensive Plan and Land Development Code, and acting within their authority, unanimously APPROVED the request of Planning File CLUP 2-17.

**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:**

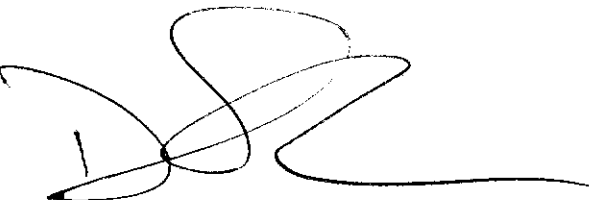
The Klamath County Planning Director shall prepare for adoption by the Board of County Commissioners an ordinance amending the Klamath County Land Development Code text to reflect the proposed revisions as shown on attached Exhibit 1.


Dated this 25th day of April, 2017

FOR THE BOARD OF COMMISSIONERS


Chair


Commissioner


Commissioner


County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

EXHIBIT 1

ARTICLE 11 DEFINITIONS

11.010 - PURPOSE

The purpose of this article is to define the terms and phrases of this code that are technical, specialized, or may not reflect common usage.

11.020 - DEFINITIONS INCLUDED BY REFERENCE

In addition to the definitions in this article, the following are incorporated by reference. If any definition in this code conflicts with a definition included by reference, the definition of state statute shall prevail except where this code is more restrictive. Where inconsistencies are found between definitions in this section and definitions in other sections, definitions in this section shall prevail.

- A. Oregon Revised Statutes Chapter 197
- Comprehensive Plan Coordination; Planning Districts
- B. Oregon Revised Statutes Chapter 215
- County Planning; Zoning; Housing Codes
- C. Oregon Revised Statutes Chapter 92
- Subdivisions and Partitions

11.030 - TERMS DEFINED ACCEPTED FARM PRACTICE:

A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

ORD. 45.2		Adopted February 16, 1984	Repealed April 3, 1986
ORD. 45.6	Art. 11.002	Amend April 3, 1986	Repealed March 26, 1987
ORD. 45.9	Art. 11.002	Amend March 26, 1987	Repealed August 15, 1990
ORD. 45.17	Updated Full KCLDC	Adopt August 15, 1990	
ORD. 45.20	Art. 446.003(20)(a) to Art. 11		
		Amend June 5, 1991	
ORD. 45.23		Amend June 5, 1991	
ORD. 45.24		Amend October 9, 1991	
ORD. 45.27		Amend April 8, 1992	Repealed February 15, 1995
ORD. 45.31		Adopt February 15, 1995	
ORD. 45.34		Amend May 24, 1996	
ORD. 45.35		Amend September 22, 1997	
ORD. 45.36		Amend November 10, 1998	
ORD. 45.36(B)		Amend December 8, 1998	
ORD. 45.36(C)		Amend February 11, 1999	
ORD. 45.38		Amend January 31, 2002	
ORD. 45.41		Amend January 31, 2002	
ORD. 45.44		Amend January 31, 2002	
ORD. 45.68 Art. 11		Amend April 18, 2008	Acknowledged May 12, 2008
ORD. 45.92		Adopt January 30, 2012	
ORD. 44.99		Adopt May 27, 2014	
ORD. 45.84		Adopt March 31, 2015	

ACCEPTED FARMING PRACTICE:

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

ACCESSORY BUILDING OR STRUCTURE:

Any portable, demountable or permanent structure or building, the use of which is incidental and subordinate to that of the main building, but which is located on the same lot or parcel as the principal use or building. A manufactured dwelling may not be converted to an accessory building or use within the Urban Growth Boundary. When approved, the owner must file a restrictive covenant in the deed records of the County agreeing that the accessory building or structure will not be used as a residence or rental unit.

- (a) "Accessory Building" means an accessory building as defined in ORS 446.003(1) and specifically includes, but is not limited to; cabanas, ramadas, storage sheds and garages.
- (b) "Accessory Structure" means an accessory structure as defined in ORS 446.003(1) and specifically includes, but is not limited to; awnings, carports, decks, steps and ramps.

ACCESSWAY:

The place or way by which pedestrians or vehicles shall have adequate, safe and practical ingress and egress to or from a property, use or parking space. See **PROOF OF LEGAL ACCESS.**

ACCESS:

The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ADMINISTRATIVE SERVICES:

Consulting, record keeping, clerical or other similar services that deal directly with the public, together with incidental storage and the maintenance of necessary equipment and vehicles. Typical uses include government administrative buildings and post offices and substations.

AGRICULTURAL BUILDING:

Any structure that is considered to be an "agricultural building" as defined in ORS 455.315 on a lot or parcel that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner 1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and 2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or rental unit.

AGRICULTURE LAND:

Lands classified by the U.S. Soil Conservation Service as predominantly (51% or more) Class I-IV soils, lands in other soil classifications that are suitable for farm use as defined in ORS 215.203(2)(a), taking into account soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Agricultural land does not include land within acknowledged exception areas for goals 3 and 4.

AGRICULTURAL PACKING AND PROCESSING:

The commercial packaging and processing of agricultural crops, animals, and their byproducts. Packing and procession operations are not limited to agricultural commodities grown on premises or in the immediate area. Typical uses include grain and fruit processing facilities, potato processing plants, canneries, slaughter and packinghouses.

AGRICULTURAL SUPPLIES AND SERVICES:

Establishments where more than fifty percent of business is directed to wholesale and retail trade and incidental storage of agricultural products and services such as feed, fertilizers, seed, irrigation and small equipment. Typical uses include feed and grain stores.

AGRICULTURAL WASTE PROCESSING:

Facilities and operations primarily engaged in the collection, processing, reuse, and/or disposal of agricultural animal waste or similar by-products of agricultural operations such as animal parts, tallow, manure, or crop residue.

AGRI-TOURISM:

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

AIRPORT ELEVATION:

The highest point of an airport's usable landing area measured in feet above mean sea level.

AIRPORT HAZARD:

Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AISLE:

An access way to required vehicular parking spaces within a parking lot.

ANIMAL COMPANION:

Animals that are typically kept for non-consumptive and non-commercial purposes. Examples include dogs, cats, pygmy goats, potbelly pigs and small birds such as parrots. For such animals only a total of four may be kept at one time per property except for cats and birds where a total of eight are allowed.

ANIMAL, LARGE:

Cattle, horses, sheep, goats, pigs, emus, ostrich, llamas and bison of any age, raised and kept for primarily personal purposes.

ANIMAL, SMALL:

Rabbits, chickens, ducks, geese or other fowl and similar animals raised and kept for personal consumptive purposes. "Small animal" does not include dogs or cats kept for personal companion purposes.

ANIMAL, SPECIALTY:

Any game mammal, fur-bearing mammal or game bird as defined by ORS 496.004, or any exotic, non-native, or potentially dangerous animal raised and kept for primarily personal purposes.

ARCHAEOLOGICAL RESOURCES:

Those districts, sites, buildings, structures and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

ARCHITECTURAL FEATURE:

Openwork fences, open-air grills, decorative façade, which may or may not be attached to the main building, and may project therefrom. This does not include patios.

AREA:

That area of a lot, parcel, unit of land or tract, exclusive of:

- (a) Public alleys, highways or roads, or
- (b) Proposed public facilities such as alleys, highways, roads or other necessary public sites when included within a proposed development project.

AREA OF SHALLOW FLOODING:

A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD:

The land in the Flood Plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on FIRM maps always include the letters A or V.

ARTERIAL STREET:

Streets, which bring traffic to and from freeways, serve major movements of traffic within or through urban areas, and which serve important rural routes.

ASSOCIATED TRANSMISSION LINES:

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

AUTO AND LIGHT EQUIPMENT SALES/RENTALS/SERVICE:

Establishments for the wholesale and retail sale, lease, rental, service, and incidental storage of automobiles, light-duty noncommercial trucks, motorcycle, boats, recreational vehicles, and noncommercial trailers. Typical uses include car dealerships, car rental agencies, and recreation vehicle sales and service.

AUTO REPAIRS:

Repair of automobiles, light-duty noncommercial trucks, motorcycles, recreational vehicles, and the sale, installation and servicing of automobile equipment and parts. Typical uses include auto body repairs and painting, service garages, muffler shops, auto glass shops, and tire, battery and accessory stores.

AUTO SERVICE STATION:

Establishments or places of business primarily engaged in the retail sale of petroleum products along with the incidental sale of tires, batteries, replacement items, grocery/convenience items, and the provision of minor repair services. Typical uses include automobile filling or service stations.

AUTO WRECKING YARD:

Property where motor vehicles or parts thereof, are maintained outdoors in an unlicensed, uninsured, wrecked, dismantled, and/or disassembled condition. Auto wrecking yard shall not include the incidental storage of inoperable or disabled vehicles in conjunction with the operation of an auto or equipment repair service or fleet storage yard. Auto wrecking yards must be licensed by the State Department of Motor Vehicles.

AUXILIARY:

A use or alteration of a structure or land which provides help or is directly associated with the conduct of the primary use of the property. An auxiliary use or structure is located on-site, is temporary in nature, and is to be removed when a particular practice or function has been completed.

BASE FLOOD:

The flood having a one percent chance of being equaled or exceeded in any given year. Designation on FIRM maps always includes the letters A or V.

BASEMENT:

That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. For floodplain management purposes, means an area of the building having its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST:

Uses and facilities accessory and subordinate to residential dwellings that provide traveler room and board for a fee on a daily or weekly room rental basis. Each such facility shall not accommodate more than ten travelers at any one time, nor shall a party's length of stay exceed fourteen consecutive days.

BUILDING AND GARDEN SALES:

Retail sales directed to contractors and home owners offering materials and supplies for construction and home improvement such as lumber and hardware supplies, fixtures, garden supplies and nursery stock. Typical uses include lumberyards, plumbing and electrical stores, paint and hardware stores, and plant nurseries.

BUILDING HEIGHT:

The vertical distance from the grade plane to the average height of the highest roof surface. For the purpose of determining the height limits of all airport hazard zones set forth in the Land Development Code and shown on the Airport Hazard Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

BUILDING SETBACK LINE:

The minimum distance required between the property line of a lot or parcel of land and any point of the vertical wall of a building or structure, exclusive of those architectural features permitted to extend into yards or open spaces.

CAMPGROUND:

Generally, an area of land or water maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations for public or private use, by providing designated areas for the placement of trailers, tents, yurts, buses, automobiles or sleeping bags, recreational vehicles, or other types of shelter and may include buildings to provide services to the patrons, such as, restrooms, bathing, laundry, and commissary facilities. Campgrounds may be either public or private.

CAMPGROUND ACCESSORIES:

Any portable, demountable or permanent structure or building, located within a public or private campground, intended for use by visitors and employees. Campground accessories include, but are not limited to, restrooms, laundry, bathing and sanitation facilities, picnic shelters, play areas and structures, and other amenities or support facilities.

CAMPING:

The occupancy of private property within a tent, tent-trailer, shelter, vehicle, or recreation vehicle not within an authorized/designated camping facility.

CARPORT:

A stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall, used for sheltering a motor vehicle.

CEMETERY:

Land used or intended to be used for the burial or internment of the dead and dedicated for cemetery purposes. Cemetery includes columbarium, crematories and mausoleums and may include mortuaries and chapels when operated in conjunction with and within the boundary of such cemetery.

CHURCH:

Facilities for public religious assembly such as customarily occurs in churches, synagogues and temples, but does not include parochial schools.

CLASS I STREAMS:

Waters which, are significant for domestic use, angling, water dependent recreation or the spawning, rearing or migration of game fish, and includes the water itself, any vegetation, aquatic life, habitats, and the beds and banks below the normal high water level which may contain water, whether or not water is actually present.

COLLECTOR STREET:

Streets which serve internal traffic movement within an area such as a subdivision, and connect to arterial streets.

COMMERCIAL ACTIVITY IN CONJUNCTION WITH FARM USE:

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

COMMERCIAL AGRICULTURAL ENTERPRISE:

Consists of farm operations which will contribute in a substantial way to the area's existing agricultural economy, help maintain agricultural processors and established farm markets, not only what is produced, but how much and how it is marketed shall be considered.

COMMERCIAL DAIRY FARM:

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

COMMERCIAL POWER GENERATING FACILITY:

A facility for the production of energy and its related or supporting facilities that:

- (a) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;
- (b) Is intended to provide energy for sale; and
- (c) Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

COMMERCIAL STABLE:

Commercial operations for the boarding, breeding, raising and training of horses or llamas, but does not include an animal defined or classified as a specialty animal.

COMMERCIAL TREE SPECIES:

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

COMMON AREA:

An area (which may or may not meet the minimum lot/parcel size) that is created on a subdivision, partition or condominium plat for the sole purpose as stated in the declaration.

COMMUNITY ASSEMBLY:

Recreational, social, fraternal multipurpose facilities or buildings owned and operated by a governmental agency or nonprofit community organization.

COMMUNITY PARK:

Uses and facilities for public recreation within a neighborhood or community setting.

COMPATIBLE:

Capable of existing harmoniously, in agreement, or that which can be mixed without seriously interfering with another activity or use.

CONDOMINIUM:

An estate in real estate property consisting of an individual interest in common in a portion of real property together with a separate interest in space for residential, commercial, industrial or other purposes. A condominium may include, in addition, a separate interest in other portions of such real property.

CONTIGUOUS:

Connected in such a manner as to form a single block of land.

CREATION DATE:

The recordation date of a document that creates a lot(s) or parcel(s), or the date of execution of an unrecorded land sale contract, deed, or other instrument intended to create new lots or parcels. In resource zones, when a lot, parcel, unit of land or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect being to qualify a lot, parcel or tract for the dwelling site, the date of reconfiguration is the date of creation.

CUBIC FOOT PER ACRE:

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

CUBIC FOOT PER TRACT PER YEAR:

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.

CUL-DE-SAC:

A short street with one end open to traffic and terminated at the other end by a vehicle turnaround.

CULTURAL SERVICES:

Governmental or nonprofit facilities for the preservation and exhibition of objects of permanent interest in one or more of the arts, sciences or humanities. Typical uses include exhibition halls, galleries, museums, and libraries.

CULTURED CHRISTMAS TREE:

Means trees: (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil; (b) Of a species for which the Department of Revenue requires a "Report of Christmas Trees Harvested" for purposes of ad valorem taxation; (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and (d) Evidencing of periodic maintenance of practices of sheering for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

CURRENT EMPLOYMENT FOR FARM USE:

(A) Farmland, the operation or use of which is subject to any farm-related government program; (B) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (C) Land planted in orchards or other perennial, other than land specified in subparagraph (D) of this paragraph, prior to maturity; (D) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years; (E) Wasteland in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use; (F) Land under buildings supporting accepted farm practices; (G) Water impoundment's lying in or adjacent to and in common ownership with farm use land; (H) Any land constituting a wood-lot, not to exceed 20 acres, contiguous to and owned by the owner of land specifically valued at true cash value for farm use even if the land constituting the wood-lot is not utilized in conjunction with farm use; (I) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmers immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such injury results in death; and (J) Any land described under ORS 32.267(l)(3).

CUSTOM MANUFACTURING:

Establishments and uses primarily engaged in on-site production of goods involving hand tools and minor mechanical means, with incidental direct sales of products produced on-site to members of the general public.

DATE OF CREATION AND EXISTENCE:

When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfiguration means any change in the boundary of the lot, parcel or tract.

DESTINATION RESORT:

A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Destination Resorts must meet the minimum statutory standards of development, as provided in ORS 197.435-467.

DEVELOP:

To bring about growth or availability, to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including wetlands, riparian areas and open waters, including but not limited to buildings or other structures mining, dredging, filling, grading, paving excavation or drilling operations or storage of equipment or materials.

DEVELOPMENT PERMIT:

Any approval required under this code for the purpose of developing property, including but not limited to site plan approval, temporary use permit, conditional use permit, partition or subdivision approval, planned unit development, final development permit for a destination resort, or mobile home park approval.

DISCRETE LOT OR PARCEL:

A unit of land lawfully created by a subdivision or partition plat which established the lot or parcel as a separate or individual unit of land from other contiguous units of land in the same ownership.

DISPOSAL SITE:

Land and facilities used for the disposal, handling, or transfer of, or resource recovery from solid waste, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by public or by a solid waste collection service and composting plants; the term does not include a facility subject to the permit requirements of ORS 468.740; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete, or other similar non-decomposable material unless the site is used by the public either directly or through a solid waste collection service; or a site licensed pursuant to ORS 481.345.

DUST SENSITIVE USE:

Real property normally used as a residence, school, church, hospital or similar use. Property used in industrial or agricultural activities is not "dust sensitive" unless it meets the above criteria in more than an incidental manner.

DUPLEX:

Residential uses involving two attached, common wall dwelling units for ownership, lease or rental on the same lot or parcel.

DWELLING:

A building, combination of buildings, or portions thereof, designed or used for human occupancy for residential purposes.

DWELLING UNIT:

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation purposes.

EASEMENT:

A grant of the right to use a portion of land for specific purposes.

EASTERN OREGON:

That portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, thence south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

EMERGENCY SERVICES:

Facilities and services, which are devoted to public health and safety, including but not limited to fire houses and police stations.

ENHANCEMENT:

An action which, results in a long-term improvement of existing functional characteristics and processes that are not the result of a creation or restoration action.

ENTERTAINMENT FACILITIES:

Establishments or places primarily engaged in the indoor provision of cultural, entertainment or other events to spectators such as theaters or concert halls, and excluding those types of entertainment related facilities classified as extensive impact use types.

EQUINE FACILITY:

A building located on a farm which is used by the farm owner or the public for stabling or training equines, for riding lessons, or for training clinics. "Equine facility" does not mean a dwelling, or a structure in which more than 10 persons are present at any one time.

ESEE:

This acronym means the "economic, social, environmental and energy consequences" as defined in OAR 660-16-005, that might result from prohibiting, restricting, or fully allowing a "conflicting" use. A conflicting use is one which, negatively impact or be negatively impacted by the Goal 5 resource.

ESSENTIAL SERVICES:

Facilities and services which are necessary and accessory to the principle land use or development, and involve infrastructure such as pipelines, power lines and poles, distribution feeders, meter boxes and pump-houses. Essential services may include, but are not limited to water, sewer, natural gas, cable and electric power service, and certain transportation improvements, as specified in Section 50.040.A.

EXPLORATION:

For mining purposes, includes all activities conducted on or beneath the surface of the earth for the purpose of determining the presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals.

EXPLOSIVE AND HAZARDOUS MATERIAL STORAGE:

Storage of any quantity of materials possessing an explosive, corrosive, noxious, toxic nature that represents potential danger to the public unless dealt with in a qualified, professional manner.

EXTENSIVE IMPACT SERVICES AND UTILITIES:

Any public or private facilities, services and utilities which may have a substantial impact on surrounding land uses. Typical uses include, but are not limited to: airports, detention and correction institutions, fairgrounds, disposal sites, incinerators, commercial power generating facilities, sports arenas and stadiums, outdoor theaters and amphitheaters, vehicular raceways, electrical transmission towers over 200 feet in height, commercial communication towers, recycle centers, natural gas or petroleum transmission pipelines, and certain transportation improvements, as specified in Section 50.040.B.

FAMILY:

An individual or two or more persons related by blood, marriage or law; or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FARM:

As used in this code, "farm" is defined as land used for the primary purpose of raising, harvesting and selling of crops or by the feeding, breeding, management and sale of, or produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof.

FARMWORKER HOUSING:

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

FARM EQUIPMENT SALES/RENTAL/SERVICES:

Establishments for the wholesale and retail sale, lease, rental, service, and incidental storage of farm and agricultural equipment. Typical uses include farm implement and equipment dealers.

FARM OPERATOR:

A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

FARM OR RANCH OPERATION:

All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

FARM STAND STRUCTURE:

A structure that is designed and used for the sale of farm crops and livestock as provided in Article 54. A food stand is considered to be a farm stand structure.

FARM UNIT:

A single farm unit may consist of any number of contiguous parcels or tax lots, including parcels or tax lots separated only by a road or highway, which are managed jointly as a single farm unit in a given area.

FARM USE:

~~The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes, but is not limited to: (a) the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use; (b) the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including providing riding lessons, training clinics and schooling shows; (c) the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission, (d) other uses as set forth in ORS 215.203(2)(a).~~

As defined in ORS 215.203. As used in the definition of "farm use" in ORS 215.203 and in this ordinance:

(a) "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and

(b) "Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

FINAL DECISION:

The date when the final written order for a decision reached under procedures prescribed by this code is mailed to affected or interested persons.

FLEET STORAGE:

The temporary storage of operable motor vehicles for the purpose of regular business operations such as bus or delivery truck parking, heavy equipment storage yards, or for operations such as private tow-away and impound lots.

FLOOD OR FLOODING:

A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; (2) The unusual and rapid accumulation of runoff of surface waters from any source; (3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined above and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

FLOOD FRINGE:

The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.

FLOOD INSURANCE RATE MAP (FIRM):

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY:

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOOD PLAIN OR FLOOD-PRONE AREA:

Means any land area susceptible to being inundated by water from any source.

FLOOD PLAIN MANAGEMENT:

Means the operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and land development codes.

FLOOD PROOFING:

Means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA:

The total horizontal area of all floors of a building measured from the exterior surface of the outside walls including all floors below ground level.

FOOD AND BEVERAGE SALES:

Retail sales of groceries, beverages and household items. Typical uses include grocery stores, convenience stores, and bakeries.

FOOD AND BEVERAGE SERVICE:

Establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premise consumption. Typical uses include restaurants, cafes, fast food outlets including drive-through or drive-in establishments, and taverns.

FOREST LANDS:

As defined in Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment. Forest lands shall include:

- (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and
- (b) Other forested land that maintain soil, air, water, and fish and wildlife resources.

FOREST OPERATION:

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

FOREST PRACTICE:

Any operation conducted on or pertaining to forest land, including but not limited to reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and the disposal of slash.

FOREST USE:

The employment of land for the production of trees and the processing of forest products; for open space, buffers from noise, and visual separation of conflicting uses; watershed protection and wildlife and fisheries habitat; soil protection from wind and water; maintenance of clean air and water; outdoor recreational

activities and related support services and wilderness values compatible with these uses; and grazing land for livestock.

FREEWAY:

A highway devoted to traffic movement with little or no land service function. Freeways are characterized by some degree of access control with few, if any, intersections at grade.

GARAGE:

Any building, with not less than 3 enclosed sides, which is used or intended to be used for automobile shelter or storage. When fronting on a dedicated street or alley, such building shall have a door or doors.

GENERAL MANUFACTURING:

Establishments, operations and uses engaged in the manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials.

GENERAL MERCHANDISE SALES:

Large-scale establishments engaged in retail sales of a variety of home and personal items. Typical uses include department stores, variety stores, discount department stores, and showroom/catalog stores.

GEO THERMAL RESOURCE:

The natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gasses, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances.

GROUND LEVEL:

The average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

GOLF COURSE:

An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of this ordinance means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

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

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

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

GUEST RANCH:

A facility for overnight lodging incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. Guest ranch facilities may include a lodge, bunkhouse or cottage accommodations as well as passive recreational activities and food services.

HEAVY EQUIPMENT REPAIRS:

Repair of motor vehicles such as aircraft, heavy-duty and commercial trucks, and construction equipment, as well as the sale, installation, and servicing of equipment and parts together with body repairs. Typical uses include truck repair shops or motor freight maintenance operations.

HEAVY EQUIPMENT SALES/RENTALS/SERVICE:

Establishments for the wholesale and retail sale, lease, rental, service, and incidental storage of heavy and commercial trucks, heavy construction equipment and aircraft. Typical uses include truck sales dealers or heavy construction equipment dealers.

HEAVY INDUSTRIAL:

Establishments, operations and uses engaged in the primary manufacturing and processing of raw materials and which may produce and omit objectionable odors or noises. Typical uses include sawmills, pulp and paper mills, concrete or asphalt batch plants, or steel and metal fabrication.

HIGH-VALUE FARMLAND:

~~Land in a tract composed predominantly (51% or more) of soils that, at the time the dwelling is approved for the tract are:~~

- ~~(a) Irrigated and classified prime, unique, Class I or Class II; or~~
- ~~(b) Not irrigated and classified prime, unique, Class I or Class II; or~~
- ~~(c) Shown to have grown specific perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1994. For the purposes of this section, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, and Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.~~

- (a) High Value Farmland: Land in a tract composed predominantly of soils that are:

- (1) Irrigated and classified prime, unique, Class I or II; or
- (2) Not irrigated and classified prime, unique, Class I or II.
- (b) In addition to that land described in Subsection X.02 U(1), high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa;

HISTORICAL RESOURCES:

Those districts, sites, buildings, structures and artifacts, which have a relationship to events or conditions of the human past.

HISTORIC SITE:

A location, structure or object having local, regional, statewide or national historic significance as indicated in the Klamath County Comprehensive Plan.

HOME DAY CARE:

A State-licensed facility that provides care to more than twelve children in the home of the day care provider, including a day nursery, nursery school, or similar operation, but not including facilities primarily for education or training in a specific subject such as athletics, dance, drama, music or religion; or a facility that is operated by a school district or governmental agency.

HOME FURNISHINGS AND APPLIANCES:

Retail establishments engaged in the sale of home furnishings such as furniture and appliances, floor coverings, fireplaces, and spas.

HOME OCCUPATION:

Home occupation refers to an occupation or enterprise carried on within a dwelling or accessory building for the financial gain by a member of the immediate family residing within the dwelling. The occupation must be ACCESSORY to the primary use of the home as a residence. Typical home occupations are professional services or crafts such as dressmaking, tutoring, music lessons, etc. Accessory uses shall not require internal or external modifications to the dwelling or accessory building or require the use of machinery, tools or equipment not associated with residential use.

HOSPITAL:

An institution providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.

HOTEL/MOTEL:

Lodging services involving the provision of room and/or board on the premises.

IMPROVEMENTS:

Physical facilities and infrastructure, including but not limited to curbs, gutters, sidewalks, street lights, street signs, roadbed, road surface, storm drains and appurtenances, fire hydrants, sanitary sewers and appurtenances, and underground utilities.

INDOOR SPORTS AND RECREATION:

Establishments or places primarily engaged in the provision of sports or recreation by and for participants; spectators are typically incidental and on a nonrecurring basis. Typical uses include bowling alleys, skating rinks, firearm and archery ranges, sports and racket clubs.

IRRIGATED:

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

KENNEL:

A lot or building in which four or more dogs, cats, pot-bellied pigs or other small animals (excluding livestock) at least four months of age are kept commercially for board, breeding, training or sale.

LANDSCAPING:

The planning and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone and structural features, including but not limited to fountains, reflecting-pools, artworks, screens, walls, fences and benches.

LAND USE DECISION:

A decision or determination that concerns the adoption, amendment or application of the Statewide Planning Goals, a Comprehensive Plan provision or a Land Development Code provision. "Land Use Decision" does not include a decision or determination made under land use standards that do not require judgment, or a decision or determination on a subdivision or land partition located within an urban growth boundary where the decision is consistent with clear and object standards, or a decision on a building permit which does not require interpretation or the exercise of factual, policy or legal judgment.

LARGE ANIMAL VETERINARY SERVICES:

Professional services primarily engaged in treating large animals such as cattle, horses, sheep, goats, pigs and llamas in connection with farm operations.

LAWFUL CREATION:

Any building, structure, use, lot, parcel, tract, or unit of land that complied with land use laws or regulations in effect at the time of its creation or establishment.

LAWFULLY ESTABLISHED UNIT OF LAND:

A lot or parcel created pursuant to ORS 92.010; or another unit of land created in compliance with all applicable planning, zoning and subdivision or partition ordinances or regulations in effect at the time of creation; or by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances in effect at the time of creation. "Lawfully established unit of land" does not include a unit of land created solely to establish a separate tax account for assessment purposes.

LIVING HISTORY MUSEUM:

A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

LOCAL STREET:

Streets which, provide access to individual adjacent lots, and connect to a collector street.

LOT:

A single unit of land that is created by a subdivision of land as provided in ORS 92.010.

LOT AREA:

The total area included within the lot lines of a lot or parcel of land.

LOT, CORNER:

A lot or parcel of land situated at the intersection of 2 or more streets and/or highways, which streets or highways have an angle of intersection, measured within said lot or parcel of land, of not more than 135 degrees.

LOT DEPTH:

The distance between the midpoints of the front and rear lot lines.

LOT, FLAG:

A unit of land whose main body is connected to a street, road, or easement with access to a street or road by a narrow strip of land.

LOT LINE, FRONT:

The lot line separating the lot from the street or in the case of a corner lot, a line separating the lot from the street on which the development or contemplated development will face.

LOT LINE, REAR:

A lot line which is opposite and most distant from the front lot line. For a triangular shaped lot, the rear lot line shall mean a line having a length of not less than 10 feet within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

LOT LINE, SIDE:

Any lot boundary line which, is not a front lot line or a rear lot line.

LOT, SUBSTANDARD:

A lot whose area, width or depth is less than that required by the zone in which it is located.

LOT, DOUBLE FRONTAGE:

An interior lot having a frontage on 2 streets, roads or highways.

LOT WIDTH:

The distance between the side lot lines measured at right angles to the side lot lines measured at the front lot line.

LOWEST FLOOR:

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

MAJOR HIGHWAY:

A principal travel route around or between cities or communities with controlled at-grade intersections.

MANUFACTURED DWELLING:

Defined under ORS 446.003(25)(a):

- (a) Residential Trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- (b) Mobile Home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in affect at the time of construction.
- (c) Manufactured Home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is

intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

MANUFACTURED/MOBILE HOME PARK:

Any place where four or more manufactured dwellings as defined in ORS 446.003 and Article 11 of the Klamath County Land Development Code are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured Home Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction by ordinance.

MEDICAL HARDSHIP:

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

MEDICAL SERVICES:

Private or public facilities for the provision of health care, treatment or rehabilitation of patients, either on and outpatient or residential basis. Uses may include necessary and accessory administrative, professional, maintenance, and transportation services. Typical uses include hospitals, clinics, and residential care facilities for more than 15 individuals.

MINERALS:

Soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits.

MINI-STORAGE FACILITY - OUTDOORS:

A business consisting of one or more structures which are divided into separate, enclosed units with individual accesses which are then rented, leased or sold to other entities for the primary purpose of storing goods or materials.

MINING, AGGREGATE:

~~All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the property for the~~

~~primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, unswayed road construction or other unswayed construction, or non-surface impacts of underground mines.~~

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

MITIGATION:

The minimizing or offsetting of impacts by the provision of on or off-site improvement or compensation which benefits impacted property owners, resources, and the public interest. Mitigation measures include, but are not limited to, the provision of additional fish and wildlife habitat, conservation easements, on- or off-site screening and buffering, compensation for the maintenance of existing off-site screening, fees in lieu of improvements, and similar arrangements which are agreed to in writing by the affected parties, and which relate to and are necessitated by a surface mining development or operation.

MULTIPLE FAMILY DWELLING:

Residential uses involving three or more attached, common wall dwelling units for individual ownership, lease or rental on the same lot or parcel. Typical uses include apartments, townhouses and condominiums.

NECESSARY:

A use or structure that will contribute substantially to the effective and efficient primary use of the property.

NEW CONSTRUCTION:

Means structures for which the start of construction commenced on or after the effective date of a flood plain management (land development code) adopted by a community and includes any subsequent improvements to such structures.

NET METERING POWER FACILITY:

A facility for the production of energy that:

- (a) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste,

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

- (b) Is intended to offset part of the customer-generator's requirements for energy;
- (c) Will operate in parallel with a utility's existing transmission and distribution facilities;
- (d) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
- (e) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

NON-COMMERCIAL/STAND-ALONE POWER GENERATING FACILITY:

A facility for the production of energy that:

- (a) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
- (b) Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- (c) Operates as a standalone power generator not connected to a utility grid; and
- (d) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

NONPRECISION INSTRUMENT RUNWAY:

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance. It also means a runway for which a non-precision approach is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.

NUISANCE:

Anything that interferes with the use or enjoyment of property, endangers personal or public health or safety, or is offensive to the senses.

OIL AND GAS:

Crude petroleum oil and all other hydrocarbons which are produced in liquid or by ordinary production methods, and all other natural gas and hydrocarbons that were originally in a gaseous phase in the reservoir.

OPEN PLAY FIELD:

A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.

OREGON FOREST PRACTICES ACT:

Oregon Revised Statutes 527.610 to 527.730 and 527.990

ORGANIZER:

Includes any individual who holds, stages or sponsors an Outdoor Mass Gathering, and the owner, lessee or possessor of the real property upon which the Outdoor Mass Gathering is to take place.

OUTDOOR ADVERTISING SIGN:

A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located, or facilities not located on the premises on which the sign is located.

OUTDOOR MASS GATHERING:

~~A temporary and intermittent event whose actual or anticipated attendance will be 1,000 or more people at any one time during the duration of the event, is reasonably expected to last for at least twelve hours (including set-up and break down periods) but not more than 120 hours within any three month period, and will take place in a rural or resource zone not intended for public gatherings. Such an event would occur primarily in open space using temporary and/or permanent structures. Examples include outdoor concerts and similar special events that will attract large numbers of people.~~

A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 1,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

OVERBURDEN:

Earth or rock that lies above a natural deposit of a mineral as defined in Article 11 of the Klamath County Land Development Code.

OWNER:

The individual, firm, association, syndicate, partnership or corporation having proprietary interest in real property.

PARCEL:

A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; or (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect. The term "parcel" does not include a unit of land created solely to establish a separate tax account for assessment purposes.

PARKING SERVICES:

Private or public facilities for temporary parking of automobiles in parking garages or lots and may involve a fee.

PARKING SPACE:

A readily accessible area, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of 1 motor vehicle.

PARTITION:

To divide land into 2 or 3 parcels of land within a calendar year, but does not include: a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for sale of real property or the creation of cemetery lots; or an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable land development ordinance; or a sale or grant by a person to a public agency or public body for state highway, county road or other right-of-way purposes provide that such road or right-of-way complies with the Comprehensive Plan and ORS 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

PARTITION PLAT:

A final map, prepared pursuant to ORS 92, containing all the descriptions, locations, specifications, provisions and necessary information concerning a land partition, that is consistent with an approved tentative plat.

PATIO:

A roofed area permanently open on not less than 3 sides and used solely for outdoor living.

PERMIT:

Discretionary approval of a proposed development of land.

PERSON:

Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, foreign country, or any other group or combination acting as a unit.

PERSONAL SERVICES:

Commercial establishments primarily engaged in the provision of support services to other business, or services of a personal or nonprofessional nature. Business activity may be conducted on the premises or off-premise. Typical uses include barber and beauty shops, shoe repair, office maintenance services, health fitness studios, photographers, film processing shops, funeral and mortuary services, travel agencies, laundry and dry cleaning establishments, secretarial services.

PERSONAL USE AIRPORT:

An airstrip or helicopter pad including associated hangar, maintenance and service facilities restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

PLANNED UNIT DEVELOPMENT:

A development based on a comprehensive and complete design or plan identifying all uses of the land for the development.

POLLUTION:

A violation of applicable county, state, or federal environmental quality statutes, rules or standards.

PRACTICABLE:

That which may be done, practiced or accomplished, or that which is performable, feasible or possible.

PRECISION INSTRUMENT RUNWAY:

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; any other FAA planning document, or military service's military airport planning document.

PREEXISTING:

Something that was lawfully established prior to the adoption of current zoning regulations. A building, structure, lot, parcel, unit of land preexisting.

PREPARATION:

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

PRIMARY OR PRINCIPLE USE:

The first use to which property is or may be devoted, and to which all other uses on the premises are accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

PRIMARY PROCESSING OF FOREST PRODUCTS:

~~The use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market.~~

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

PRIMARY SURFACE:

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevations of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPALLY ENGAGED IN FARM USE:

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

PRIVATE PARK:

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

PROCESSED:

As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.

PROCESSING:

For mining purposes includes, but is not limited to crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete.

PROFESSIONAL OFFICES:

Commercial office related activities primarily related to professional, executive, management, or administrative services typically directed to the public and conducted on the premises. Typical uses include doctor and dentist offices, small animal veterinary services, legal offices, real estate and related services, financial services, banks, research laboratories and development firms.

PROOF OF LEGAL ACCESS:

Legally recorded documentation or public permit establishing the right of ingress and egress to a lot, parcel, unit of land, or tract.

PROPERTY LINE:

A property line shall be a division line between two abutting properties which are in separate ownership.

PROPERTY LINE ADJUSTMENT:

A relocation of the division line between two abutting properties which are in separate ownership.

PUBLIC IMPROVEMENTS:

Physical facilities and infrastructure, including but not limited to curbs, gutters, sidewalks, street lights, street signs, roadbeds, road surfaces, storm drains and appurtenances, fire hydrants, sanitary sewers and appurtenances, and utilities.

PUBLIC PARK:

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

PUBLIC ROAD:

A road over which the public has a right of use that is a matter of public record.

PUBLIC UTILITY:

Any corporation, including municipal or quasi-municipal corporation, service district, company, individual, or association that owns or operates any plant or equipment.

- (a) For the conveyance of telegraph or telephone messages, with or without wires;
- (b) For the transportation of water, gas, or petroleum products by pipeline;
- (c) For the production, transmission, delivery of furnishing of heat, light, water, or electricity;
- (d) For the transmission and delivery of television pictures and sound by cables;
- (e) For the transportation of persons or property by street railroads or other street transportation or common carriers;
- (f) For the treatment and disposal of sewage waste; or
- (g) For the disposal of storm water runoff.

QUARRY:

Any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations, including washing, crushing, screening, and temporary storage, for the removal of ores, precious stones, or other solid minerals.

QUASI-JUDICIAL:

A decision made by a review body by applying existing law and policy to specific situations and evidence (although not necessarily just facts that can be objectively measured) in order to reach decisions that involve discretionary judgment.

RAMADA:

A stationary structure having a roof extending over a manufactured structure, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from snow, sun or rain.

RECLAMATION:

The employment in a surface mining operation of procedures designed to minimize, as much as practical, the disruption of the surface mining operation and to provide for the rehabilitation of any such surface resources adversely affected by such mining operations through the rehabilitation of plant cover, soil stability, water resource and other measures appropriate to the subsequent beneficial use of mined and reclaimed land.

RECONFIGURATION, BOUNDARY:

Any change made to the boundary of a lot, parcel, tract, or unit of land.

RECREATIONAL VEHICLE (RV):

A vacation trailer or other unit with or without motive power which was designed for human occupancy, has sleeping, cooking and plumbing facilities, and has a gross floor space of less than 400 square feet. Typical uses include camping-trailers, motor homes, bus conversions, travel trailers, or any vehicle converted for use or partial use as a recreational vehicle. The unit is identified as a recreational vehicle by the manufacturer or converter.

RECREATIONAL VEHICLE PARK:

A lot, parcel, tract, or unit of land upon which two (2) or more recreational vehicle (RV) sites are located, established or maintained for the general public as temporary living quarters for recreational or vacation purposes.

RELATIVE:

A spouse, child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin.

REPAIR SERVICE:

Establishments primarily engaged in the provision of repair services for durable and non-durable goods, exclusive of automotive and related equipment repairs. Typical uses include appliance repair shops, alteration and tailor shops, and instrument repair shops.

REPLAT:

The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing plat or to increase or decrease the number of lots in the subdivision.

RESIDENTIAL CARE FACILITY:

A facility licensed by or under the authority of the Oregon Department of Human Resources which provides residential care alone or in conjunction with treatment or training or combination thereof for 6 to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

RESIDENTIAL CARE HOME:

A home licensed by or under the authority of the Oregon Department of Human Resources which provides residential care alone or in conjunction with treatment or training for 5 or fewer residents who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the facility.

RESORT:

Lodging and food services provided for the traveling public, with particular emphasis on outdoor amenities and recreation opportunities.

RESORT COMMUNITY:

A "Resort Community" is an unincorporated community that was established primarily for the continues to be used primarily for recreation or resort purposes; and (a) includes residential and commercial uses, and (b) provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

RESTORATION:

The revitalization, returning or replacing of original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

RETAIL SALES:

Commercial businesses primarily engaged in the sale of commonly used goods and general merchandise directly to the public. Typical uses include bicycle shops, bookstores, camera shops, clothing and shoes stores, florists, stereo and record stores, toy stores, video rentals.

REVIEW BODY:

The Klamath County Planning Director or designee, the Klamath County Hearings Officer, the Klamath County Planning Commission or the Klamath County Board of Commissioners.

RIGHT-OF-WAY:

The area between boundary lines of a street, road or other easement.

RIPARIAN AREA:

The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

ROAD:

A public or private way which is created to provide ingress and egress for persons to one or more lots parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress in conjunction with the use of such land for a forestry, mining, or agricultural purpose means the primary, but not the casual or incidental use of land for this purpose.

RUNWAY 7-25:

A Visual Utility Runway located at the City of Klamath Falls Airport/Kingsley Field, aligned in an east-west direction and designated as a primary runway.

RUNWAY 14:

A Non-precision Instrument Runway located at the City of Klamath Falls Airport/Kingsley Field, aligned in a southeasterly direction and designated as a crosswind runway.

RUNWAY 32:

A Precision Instrument Runway located at the City of Klamath Falls Airport/Kingsley Field, aligned in a northwest direction and designated as a primary runway.

RURAL COMMUNITY:

An unincorporated community primarily composed of permanent residential dwellings, which includes at least two (2) other uses that provide commercial, industrial, or public services (e.g., schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.

RURAL SERVICE CENTER:

An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.

RURAL LAND:

Rural lands are those which are outside the urban growth boundary and are: (a) Nonurban agricultural, forest or open space lands, or (b) Other lands suitable for sparse settlement, small farms or acreage home-sites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

RURAL COMMUNITY:

Rural communities are nearly identical in function as rural service centers. Rural communities, however, have both community sewer and water systems which allow for greater development densities (one dwelling unit per 5,000 square feet).

RURAL SERVICE CENTER:

An unincorporated industrial and/or convenience-commercial and residential center of a nature and size only as required to serve the needs of the surrounding rural lands. Typically, rural service centers are isolated, rather compact and located at junctions of principal rural roads or at other strategic locations. The absence of key public facilities (community sewer and water systems) limit development densities to a maximum of one dwelling unit per acre.

SCHOOL:

Public, private and parochial preschool, elementary, junior and senior high schools, colleges and trade schools together with incidental administrative, maintenance and recreational facilities.

SCRAP OPERATIONS:

Operations primarily engaged in dismantling, storage, processing or reprocessing of used or waste materials with the intent of reuse. Typical uses include junk yards or salvage yards.

SEASONAL OR TRANSIENT BUSINESSES:

Any trade, profession, occupation or pursuit conducted for gain, including those pursuits by fraternal organizations, clubs, lodges and similar places or establishments other than those that have IRS tax exempt [IRC 501(c)] status which operates an enterprise located in the unincorporated area of Klamath County for a period of more than two days and less than ninety days. The hours of operation of permitted businesses are limited to the hours of 6:00 a.m. to 10:00 p.m.

SERIES PARTITIONED LAND AND SERIES PARTITION:

A series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.

SIGN:

Any method of display or part thereof, for visual communication that includes any announcement, declaration, demonstration, display, illustration or insignia which is used to advertise or promote the interest of any person, business, group or enterprise and includes accessory signs and outdoor advertising. "Sign" does not include official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty, or by any person giving legal notice, directional warning or information structure required or authorized by law or by federal, state or county authority or permanent memorial or historical signs, plaques or markers.

SINGLE FAMILY DWELLING:

Residential uses involving site built dwelling units for individual ownership, lease or rental on an individual lot or parcel. Single-family dwelling placed inside of the Urban Growth Boundary are required to have a garage or carport at least 180 square feet in size and placed in the same lot or parcel as the dwelling.

SITE PLAN:

A plan other than a building plan showing the physical arrangement, design or use of a lot or parcel of land, buildings or structures indicating uses, form, dimensions and other pertinent data.

STOCKYARDS AND ANIMAL SALES:

Temporary keeping of transient livestock for auction, market, sale, shipping or slaughter.

STREET:

Deleted per Ordinance 45.67

STREET PLUG OR RESERVE STRIP:

A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which lands shall be placed within the jurisdiction of the Board of County Commissioners for disposal under conditions approved by the appropriate review body.

STRUCTURAL ALTERATIONS:

Any change in the supporting members of a building, such as bearing walls, column, beam or guides, floor or ceiling joists, roof rafters, roof diagrams, roof trusses foundations, piles, retaining walls or similar.

STRUCTURE:

~~Anything constructed or installed or portable, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground. For Floodplain management purposes, it means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.~~

Anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels, food stands and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

SUBDIVISION:

Either an act of subdividing land or an area or a tract of land subdivided.

SUBDIVISION PLAT:

A final map and other writing containing all the description, locations, specifications, dedications, provisions and information concerning a subdivision.

SUBSTANTIAL DAMAGE:

For floodplain management purposes, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

For floodplain management purposes, means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage" regardless of the actual repair work being performed. The term does not include: (1) Any project for the improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any

alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure."

TEMPORARY STRUCTURE OR USE:

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

TRACT:

One or more contiguous lots or parcels in the same ownership. Contiguous means connected in such a manner as to form a single block of land.

TRUCK STOP:

Highway related service establishments providing motor fuel, service, towing and food service.

URBAN AREA:

All lands located within an acknowledged Urban Growth Boundary for the town and cities of Bonanza, Chiloquin, Klamath Falls, Malin and Merrill.

URBAN LAND:

Areas which include an incorporated city and may also include lands adjacent to and outside the incorporated city limits, and may also have concentrations of people who generally reside and work in the area and have supporting public facilities and services.

USE:

The primary or principal activity, structure, or facility occurring upon land.

UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE:

Unless otherwise specified [in this Article/Chapter], a Any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.

VETERINARY CLINIC:

A place where large and small animals or pets are given medical attention and cared for during the time of such treatment.

WETLANDS:

Naturally occurring land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semiaquatic plant life, and include those areas that are inundated or saturated by surface or ground water at least fourteen consecutive days during the growing season.

WAREHOUSING, STORAGE AND DISTRIBUTION: HEAVY:

Open-air storage, distribution and handling of materials and equipment. Excludes ministorage facilities. Typical uses include monument or stone yards, open storage yards, petroleum storage facilities.

WAREHOUSING, STORAGE AND DISTRIBUTION: LIGHT:

Wholesaling, storage, distribution, and warehouse services of materials and equipment within enclosed structures. Excludes mini-storage facilities. Typical uses include distributors, storage warehouses, moving and storage firms.

WORKER RESIDENTIAL:

Residential uses necessary and accessory to, in conjunction with, and subordinate to the primary agricultural, forestry, commercial or industrial use of property.

YARD:

An open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

YARD, FRONT:

A yard extending across the full width of the lot or parcel of land on which a building or structure is located and situated between the front lot line and the nearest point of the building or structure.

YARD, REAR:

A yard extending across the full width of the lot or parcel of land on which a building or structure is located and situated between the rear lot line and the nearest point of a building or structure.

YARD, SIDE:

A yard extending from the front yard, or the front lot line where no front yard is required to the rear yard or to the rear lot line where no rear yard is required. The width of a side yard is the distance between each side lot line and the nearest point of a building or structure.

YOUTH CAMP:

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

YURT:

A round, domed shelter of cloth or canvas on a collapsible frame.

ZONE, APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL:

The area under the approach, transitional, horizontal, and conical surfaces defined in Part 77, Objects Affecting Navigable Air Space, Federal Aviation

Regulations, published by the Federal Aviation Administration (FAA) of the U.S. Department of Transportation.

ARTICLE 54

EXCLUSIVE FARM USE (EFU)

54.000 – PURPOSE

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

The EFU zone has been applied to lands designated as Agriculture in the Comprehensive Plan, which reflect the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

The Exclusive Farm Use - Cropland zone is applied to agricultural areas characterized by row crop, hay and livestock production in which there is no predominant parcel size.

The Exclusive Farm Use – Cropland/Grazing zone is applied to areas of mixed cropland and grazing activities or potential.

The Exclusive Farm Use – Grazing zone is for areas of predominantly range and grazing uses.

54.010 – PERMITTED USES

In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to site plan review of Article 41 and the general provisions set forth by this ordinance and any other applicable siting and design standards and review process in the Land Development Code :

- A. Farm use.
- B. Propagation or harvesting of a forest product.
- C. Agricultural buildings customarily provided in conjunction with farm use.
- D. Creation of, restoration of, or enhancement of wetlands.

- E. 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.
- F. Operations for the exploration for minerals as defined by ORS 517.750.
- G. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- 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.
- I. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- 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.
- K. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
- L. Fire service facilities providing rural fire protection services.
- M. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.
- N. Firearms training facility in existence on September 9, 1995.
- O. An outdoor mass gathering of more than 1,000 persons that is expected to continue for more than 12 hours but less than 120 hours in any three-month period, as provided in ORS 433.735 and subject to Article 42.055.
- P. A facility for the processing of farm crops, biofuel or poultry subject to Subsection 54.030(A).
- Q. Dog training classes or testing trials subject to Subsection 54.030(C).
- R. Farm stands subject to Subsection 54.030(D).

- S. A winery subject to Section 54.065.
- T. Agri-tourism and other commercial events or activities subject to Section 54.070. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- U. Destination resort subject to Subsection 54.030(E). This use is subject to the requirements of Article 88 and the Planning Commission Review Procedure pursuant to Article 26.
- V. Land application of reclaimed water, agricultural or industrial process water or biosolids subject to Subsection 54.030(L). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- W. Utility facility service lines subject to Subsection 54.030(M).
- X. Utility facilities necessary for public service, including associated transmission lines as defined in Article 11 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection 54.030(N). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- Y. A site for the takeoff and landing of model aircraft subject to Subsection 54.030(Q). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- Z. Churches, and cemeteries in conjunction with churches, subject to Subsection 54.030(X). This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to Subsection 54.030(Z). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- AA. Dwelling customarily provided in conjunction with farm use subject to Subsection 54.030(Y) and Section 54.040. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- BB. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to 54.045(A), and 54.030(Y).

- CC. Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection 54.030(Y) and Section 54.045. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- DD. Lot of record dwelling subject to Subsection 54.030(Y) and Section 54.050. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- EE. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection 54.030(Y) and Section 54.055. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- FF. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to Subsection 54.030(Y).
- GG. Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection 54.030(Y) and Section 54.060.

54.015 – CONDITIONAL USES

Except where specifically noted, the following uses are permitted subject to Conditional Use Permit procedures in Article 44, any specific standards for the use set forth in Section 54.030, the conditional use review criteria in Section 54.035 in lieu of those contained in Article 44.030, and the general standards for the zone and any other applicable standards and review process in the Land Development Code:

- A. A facility for the primary processing of forest products subject to Subsection 54.030(B).
- B. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
- C. Temporary hardship dwelling, permitted as a temporary use permit as required by LDC Article 42.
- D. Residential care home as defined in ORS 197.660, in existing dwellings, subject to Subsection 54.030(Y).
- E. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection 54.030(Y).

- F. Parking of up to seven log trucks. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- G. Home occupations as provided in Subsection 54.030(F) and Article 85.
- H. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection 54.010(Q).
- I. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- J. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection 54.010(P), but excluding activities in conjunction with a marijuana crop, and subject to 54.030(H).
- K. Guest ranch subject to Subsection 54.030(G). This use is not permitted on high value farmland.
- L. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
- M. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to Subsection 54.030(J) and ORS 215.298.
- N. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to 54.030(I).
- O. Processing of other mineral resources and other subsurface resources.
- P. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- Q. 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.

- R. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- S. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
- T. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection 54.030(K).
- U. Transmission towers over 200 feet in height. This use is subject to to the Type II Administrative Procedure pursuant to Article 22.
- V. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to Subsection 54.075(A).
- W. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 54.075(B).
- X. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 54.075(C).
- Y. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation subject to Subsection 54.030(P). This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 54.030(Z).
- Z. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to Subsection 54.030(O). This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 54.030(Z).
- AA. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306. This use is subject to to the Type II Administrative Procedure pursuant to Article 22.
- BB. Living history museum as defined in Article 11 and subject to Subsections 54.030(R) and 54.030(X).

- CC. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community subject to Subsections 54.030(S) and 54.030(X).
- DD. Public parks and playgrounds subject to Subsections 54.030(T) and 54.030(X).
- EE. Operations for the extraction and bottling of water.
- FF. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection 54.030(X). This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections 54.030(U) and 54.030(Z).
- GG. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections 54.030(V) and 54.030(X). This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection 54.030(Z).
- HH. Golf courses as defined in Article 11 and subject to Subsections 54.030(W) and 54.030(X). This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to Subsection 54.030(Z).

54.030 – USE STANDARDS

- A. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
- B. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm use described in Article 11. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.
- C. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
 - 1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - 2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- D. A farm stand may be approved if:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
3. As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
4. As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
5. As used in this Section, "local agricultural area" includes Oregon or an adjacent county in California.
6. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
7. Farm Stand Development Standards
 - a. Adequate off-street parking will be provided pursuant to provisions of Article 68.
 - b. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - c. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - d. No farm stand building or parking is permitted within the right-of-way.

- e. Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked. Vision clearance shall be maintained as required in Article 62.060.
 - f. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways, except as provided for up-lighting of flags and permitted building-mounted signs.
- E. A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to 54.030(X).
- F. Home occupations as allowed in Article 85 and with the following additional standards:
 - a. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 54.055 and is operated in association with the winery:
 - 1) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - 2) The meals may be served at the bed and breakfast facility or at the winery.
- G. A guest ranch must comply with the following provisions:
 - 1. Definitions
 - a. "Guest lodging unit" means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence.
 - b. "Guest ranch" means a facility for guest lodging units, passive recreational activities described in Subsection (6) and food services described in Subsection (7) that are incidental and accessory to an existing and continuing livestock operation that qualifies as a farm use.
 - c. "Livestock" means cattle, sheep, horses and bison.
 - 2. A guest ranch may be established unless the proposed site of the guest ranch is within the boundaries of or surrounded by:
 - a. A federally designated wilderness area or a wilderness study area;

- b. A federally designated wildlife refuge;
 - c. A federally designated area of critical environmental concern; or
 - d. An area established by an Act of Congress for the protection of scenic or ecological resources.
3. The guest ranch must be located on a lawfully established unit of land that:
- a. Is at least 160 acres;
 - b. Contains the dwelling of the individual conducting the livestock operation; and
 - c. Is not high-value farmland.
4. Except as provided in Subsection (5), the guest lodging units of the guest ranch cumulatively must:
- a. Include not fewer than four nor more than 10 overnight guest lodging units; and
 - b. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of a lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.
5. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described in Subsection (3), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.
6. A guest ranch may provide passive recreational activities that can be provided in conjunction with the livestock operation's natural setting including, but not limited to, hunting, fishing, hiking, biking, horseback riding, camping and swimming. A guest ranch may not provide intensively developed recreational facilities, including golf courses as identified in ORS 215.283.

7. A guest ranch may provide food services only for guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch, an individual accompanying a guest or an individual attending a special event at the guest ranch.
8. Notwithstanding ORS 215.283, the governing body of a county or its designee may not allow a guest ranch in conjunction with:
 - a. A campground as described in 54.015(GG).
 - b. A golf course as described in 54.015(HH).
9. Notwithstanding 54.080, the governing body of a county or its designee may not approve a proposed division of land:
 - a. for a guest ranch; or
 - b. to separate the guest ranch from the dwelling of the individual conducting the livestock operation.

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

1. The commercial activity is either exclusively or primarily a customer or supplier of farm products;
 2. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or
 3. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.
- I. Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

- J. Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
1. A land use permit is required for mining more than one thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre.
 2. A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's Goal 5 Inventory.
- K. A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.
- L. Land Application of Reclaimed or Process Water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251.
- M. 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.
- N. A utility facility that is necessary for public service.
1. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.

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

- e. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section 54.035 Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
 - f. In addition to the provisions of Subsection 54.030(N)(1)(a) through (d), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
 - g. The provisions of Subsection (1) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
2. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (a) or Subsection (b) of this Subsection.
- a. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - 1) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - 2) The associated transmission line is co-located with an existing transmission line;
 - 3) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - 4) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
 - b. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections 54.030(N)(2)(c) and (d), two or more of the following criteria:
 - 1) Technical and engineering feasibility;

- 2) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - 3) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - 4) Public health and safety; or
 - 5) Other requirements of state or federal agencies.
- c. As pertains to Subsection (b), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
 - d. The county may consider costs associated with any of the factors listed in Subsection (b), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- O. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 54.030(Z).
1. Compost operations subject to Section 54.030(O) include:
 - a. A new disposal site for composting that sells, or offers for sale, resulting product; or
 - b. An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - c. Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or

- d. Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- P. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 54.035 and shall comply with the following requirements.
1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
 2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
 3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
 4. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
 - a. The area surrounding the facility is kept free from litter and debris.
 - b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - c. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
 5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
 6. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
 7. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.

8. Hours of operation for the facility shall be limited to 8 am – 7 pm.
 9. Comply with other conditions deemed necessary.
- Q. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- R. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.
- S. A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- T. Public parks may include:
1. All outdoor recreation uses allowed under ORS 215.213 or 215.283.

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

- a. Meeting halls not exceeding 2000 square feet of floor area;
- b. Dining halls (not restaurants).

U. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:

1. The Conditional Use Review Criteria in Section 54.035 are met; and
2. The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.

V. Private Campgrounds are subject to the following:

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
2. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (3).
3. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

W. Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

1. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
2. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
3. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

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

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
2. Any enclosed structures or group of enclosed structures described in Subsection (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.

3. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.
- Y. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- Z. Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 54.015(HH) and Section 54.035.

54.035 – CONDITIONAL USE REVIEW CRITERIA

An applicant for a use permitted in Section 54.015 must demonstrate compliance with the following criteria in lieu of that contained in Article 44.030 and any other conditional use criteria adopted by the county.

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

**54.040 – PRIMARY FARM DWELLING CUSTOMARILY PROVIDED IN
CONJUNCTION WITH FARM USE**

- A. Large Tract Standards. On land not identified as high-value farmland as defined in Article 11, a dwelling may be considered customarily provided in conjunction with farm use if:
1. The parcel on which the dwelling will be located is at least:
 - a. 160 acres and not designated rangeland; or
 - b. 320 acres and designated rangeland.
 2. The subject tract is currently employed for farm use.
 3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 4. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
- B. Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
1. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:
 - a. At least \$40,000 in gross annual income from the sale of farm products; or
 - b. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
 2. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and
 4. In determining the gross income required by Subsection (1):

- a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - b. Only gross income from land owned, not leased or rented, shall be counted; and
 - c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- C. Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- 1. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 - 2. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
 - 3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1);
 - 4. In determining the gross income required by Subsection (1):
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - b. Only gross income from land owned, not leased or rented, shall be counted; and
 - c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- D. Additional Farm Income Standards.
- 1. For the purpose of Subsections (B) or (C), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.

2. Prior to the final approval for a dwelling authorized by Subsections (B) and (C) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - b. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
 3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
- E. Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections (B) or (C) above, subject to the following requirements:
1. The subject tract will be employed as a commercial dairy as defined in Subsection (7);
 2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
 3. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

6. The Oregon Department of Agriculture has approved the following:
 - a. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - b. A Producer License for the sale of dairy products under ORS 621.072.
 7. As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (B) or (C), whichever is applicable, from the sale of fluid milk.
- F. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
1. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (B) or (C), whichever is applicable;
 2. The subject lot or parcel on which the dwelling will be located is:
 - a. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (B) or (C), whichever is applicable; and
 - b. At least the size of the applicable minimum lot size under Section 54.080;
 3. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and
 5. In determining the gross income required by Subsection (1) and Subsection (2):
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - b. Only gross income from land owned, not leased or rented, shall be counted.

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

54.045 – FARM HELP AND ACCESSORY FARM DWELLINGS

- A. To qualify for a relative farm help dwelling:
1. A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 2. A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.
- B. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
 2. The accessory farm dwelling will be located:
 - a. On the same lot or parcel as the primary farm dwelling;
 - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;

- d. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and
 - 3. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.
- C. In addition to the requirements in Subsection (B), 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, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - a. At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - b. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

2. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
3. It is located on a commercial dairy farm as defined in Section 54.040(E); and
 - a. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
 - b. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - c. A Producer License for the sale of dairy products under ORS 621.072.
- D. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Subsection 54.080(A).
- E. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 54.010(E).
- F. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.
- G. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.
- H. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

54.050 – LOT OF RECORD DWELLINGS

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

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (E):
 - a. Since prior to January 1, 1985; or
 - b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 2. The tract on which the dwelling will be sited does not include a dwelling;
 3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 4. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
 5. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections (C) and D; and
 6. When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
- B. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
- C. Notwithstanding the requirements of Subsection 54.050(A)(5), a single-family dwelling may be sited on high-value farmland if:
1. It meets the other requirements of Subsections (A) and (B);
 2. The lot or parcel is protected as high-value farmland as defined in Article 11;
 3. The county hearings officer determines that:

- a. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - 1) For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.
 - 2) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.
 - 3) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - b. The dwelling will comply with the provisions of 54.035; and
 - c. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Subsection 54.055(C).
- D. Notwithstanding the requirements of Subsection 54.050(A)(5), a single-family dwelling may be sited on high-value farmland if:
1. It meets the other requirements of Subsections (A) and (B);
 2. The tract on which the dwelling will be sited is:
 - a. Not high-value farmland defined in Article 11; and
 - b. Twenty-one acres or less in size; and
 3. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

4. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
5. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
 - a. "Flaglot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - b. "Geographic center of the flaglot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
- E. For purposes of Subsection (A), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;
- F. The county assessor shall be notified that the governing body intends to allow the dwelling.
- G. An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.
- H. The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

54.055 – DWELLINGS NOT IN CONJUNCTION WITH FARM USE

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

- A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
- B. Non-farm dwelling suitability standards.
 1. The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
 2. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable". A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
 3. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

C. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in (1) through (3) below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in (1) through (3) below;

1. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;
2. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsection 54.050(A) and Section 54.055, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and
3. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

- D. If a single-family dwelling is established on a lot or parcel as set forth in Subsection 54.010(DD) or 55.020(Q), no additional dwelling may later be sited under the provisions of this Section.

54.060 – ALTERATION, RESTORATION OR REPLACEMENT OF A LAWFULLY-ESTABLISHED DWELLING

- A. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

1. The dwelling to be altered, restored or replaced has, or formerly had:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights;
 - d. A heating system; and
 - e. The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.
2. Notwithstanding Subsection 54.060(A)(1)(e), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 - a. The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - b. The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

- B. For replacement of a lawfully established dwelling under Subsection 54.010(GG):

1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - b. If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 - c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
 2. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
 3. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- C. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
1. The siting standards of Subsection (2) apply when a dwelling qualifies for replacement because the dwelling:
 - a. Formerly had the features described in Subsection 54.060(A)(1);
 - b. Was removed from the tax roll as described in Subsection 54.060(A)(2); or
 - c. Had a permit that expired as described under Subsection 54.060(D)(3).

2. The replacement dwelling must be sited on the same lot or parcel:
 - a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 3. Replacement dwellings that currently have the features described in Subsection 54.060(A)(1) and that have been on the tax roll as described in Subsection 54.060(A)(2) may be sited on any part of the same lot or parcel.
- D. A replacement dwelling permit that is issued under 54.010(GG):
1. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
 - a. Formerly had the features described in Subsection 54.060(A)(1); or
 - b. Was removed from the tax roll as described in Subsection 54.060(A)(2);
 2. Is not subject to the time to act limits of ORS 215.417; and
 3. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
 - a. Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
 - b. Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

54.065 – WINERIES

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

- c. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - d. Obtains grapes from any combination of Subsection (a), (b), or (c); or
- 2. At least 50,000 gallons and the winery owner:
 - a. Owns an on-site vineyard of at least 40 acres;
 - b. Owns a contiguous vineyard of at least 40 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
 - d. Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
 - e. Obtains grapes from any combination of Subsection (a), (b), (c) or (d).
- B. In addition to producing and distributing wine, a winery established under this Section may:
 - 1. Market and sell wine produced in conjunction with the winery.
 - 2. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - a. Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - b. Wine club activities;
 - c. Winemaker luncheons and dinners;
 - d. Winery and vineyard tours;
 - e. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - f. Winery staff activities;
 - g. Open house promotions of wine produced in conjunction with the winery; and

- h. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
 3. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:
 - a. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - b. Served in conjunction with an activity authorized by Subsection 54.065(B)(2), (4), or (5).
 4. Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to Subsections (E).
 5. Host charitable activities for which the winery does not charge a facility rental fee.
- C. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection 54.065(B)(3). Food and beverage services authorized under Subsection 54.065(B)(3) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- D. The gross income of the winery from the sale of incidental items or services provided pursuant to Subsection 54.065(B)(3) to 5 may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this Subsection for the previous tax year.
- E. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by Subsections 54.070(A) to (D). The requirements of the Agri-tourism permit must be met.
- F. A winery operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.

- G. Events described in 54.065(E) are subject to the requirements of Section 54.070(H), Agri-Tourism and other Commercial Events or Activities permit.
- H. Prior to the issuance of a permit to establish a winery under Subsection 54.065(A), the applicant shall show that vineyards described in Subsection 54.065(A) have been planted or that the contract has been executed, as applicable.
- I. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
1. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and
 2. Provision of direct road access and internal circulation.
- J. In addition to a winery permitted in Subsections 54.065(A) to 54.065(I), a winery may be established if:
1. The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 2. The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection 54.065(J)(1); and
 3. The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
- K. In addition to producing and distributing wine, a winery described in Subsection 54.065(J) may:
1. Market and sell wine produced in conjunction with the winery;
 2. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - a. Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - b. Wine club activities;
 - c. Winemaker luncheons and dinners;

- d. Winery and vineyard tours;
 - e. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - f. Winery staff activities;
 - g. Open house promotions of wine produced in conjunction with the winery; and
 - h. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
3. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
- a. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - b. Served in conjunction with an activity authorized by Subsection 54.065(K)(2)(b) (d), or (e);
4. Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
- a. Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - b. Are incidental to the retail sale of wine on-site; and
 - c. Are limited to 25 days or fewer in a calendar year; and
 - d. Host charitable activities for which the winery does not charge a facility rental fee.

L. Income requirements:

- 1. The gross income of the winery from the sale of incidental items pursuant to Subsection 54.065(K)(3) and services provided pursuant to Subsection 54.065(K)(4) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

2. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant, that certifies compliance with Subsection (1) for the previous tax year.

M. A winery permitted under Subsection (J):

1. Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
2. May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

N. Permit requirements:

1. A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection 54.065(K)(4) occurring on more than 25 days in a calendar year.
2. In addition to any other requirements, a local government may approve a permit application under this Subsection if the local government finds that the authorized activity:
 - a. Complies with the standards described in Subsections 54.035(A) and (B);
 - b. Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 - c. Does not materially alter the stability of the land use pattern in the area.
3. If the local government issues a permit under this Subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.

O. A person may not have a substantial ownership interest in more than one winery operating a restaurant, as permitted in Subsection (M).

P. Prior to the issuance of a permit to establish a winery under Subsection (J), the applicant shall show that vineyards described in Subsection (J) have been planted.

Q. A winery operating under Subsection (J) shall provide for:

1. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 2. Direct road access and internal circulation.
- R. A winery operating under Subsection 54.065(J) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.
- S. As used in this Section:
1. "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 2. "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

54.070 – AGRI-TOURISM AND OTHER COMMERCIAL EVENTS

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

- A. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
1. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
 2. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
 3. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
 4. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
 5. The agri-tourism or other commercial event or activity complies with the standards described in Subsections 54.035(A) and (B);

6. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and
 7. The agri-tourism or other commercial event or activity complies with conditions established for:
 - a. Access, egress and parking consistent with Articles 68 and 71;
 - b. A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads consistent with Article 71;
 - c. Sanitation and solid waste consistent with Articles 74 and 75; and
 - d. Must comply with the requirements in 54.070(B).
- B. In the alternative to Subsections (A) and (C), the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:
1. Must be incidental and subordinate to existing farm use on the tract;
 2. May not begin before 6 a.m. or end after 10 p.m.;
 3. May not involve more than 100 attendees or 50 vehicles;
 4. May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
 5. May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
 6. Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
 7. Must comply with applicable health and fire and life safety requirements.

C. In the alternative to Subsections (A) and (B), the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

1. Must be incidental and subordinate to existing farm use on the tract;
2. May not, individually, exceed a duration of 72 consecutive hours;
3. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
4. Must comply with the standards described in Subsections 54.035(A) and (B);
5. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
6. Must comply with conditions established for:
 - a. The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - b. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - c. The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
 - d. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - e. Sanitation and solid waste
 - f. Must comply with the requirements of 54.070(H)

7. A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection (C), any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.
- D. In addition to Subsections (A) to (C), the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections (A) to (C) if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:
 1. Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 2. Comply with the requirements of 54.070(C)(3), (4), (5), and (6);
 3. Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and
 4. Do not exceed 18 events or activities in a calendar year.
- E. A holder of a permit authorized by a county under Subsection (D) must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:
 1. Provide public notice and an opportunity for public comment as part of the review process; and
 2. Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection (D).
- F. Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.

G. The authorizations provided by Section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

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

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

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

b. The types and locations of all existing and proposed temporary structures, access and egress, parking facilities, sanitation and solid waste facilities to be used in connection with the agri-tourism or other commercial events or activities;

c. Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

2. Approval Criteria.

a. The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.

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

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

d. Noise Control:

- 1) All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
- 2) A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.

e. Transportation Management

- 1) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
- 2) Adequate off-street parking will be provided pursuant to provisions of the Article 68.

f. Health and Safety Compliance

- 1) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
- 2) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the County Building Department any other applicable federal, state and local laws.
- 3) Compliance with the requirements of the County Building Department shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

54.075 – COMMERCIAL FACILITIES FOR GENERATING POWER

A. Commercial Power Generating Facility.

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

- a. 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - b. 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
2. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

B. Wind Power Generation Facility.

1. For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
 - a. Temporary workforce housing described in Subsection 54.075(A)(2) must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.
 - b. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
2. For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:

- a. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - 1) Technical and engineering feasibility;
 - 2) Availability of existing rights of way; and
 - 3) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (b);
 - b. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
 - c. Costs associated with any of the factors listed in Subsection (a) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
 - d. The owner of a wind power generation facility approved under Subsection (2) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 - e. The criteria of Subsection (3) are satisfied.
3. For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

- a. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 - b. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
4. For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection 54.075(B)(3)(d) are satisfied.
 5. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (3) and (4), the approval criteria of Subsection (3) shall apply to the entire project.
- C. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

1. "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
2. "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
3. "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
4. "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
5. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

6. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
- a. The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
 - b. The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;
 - d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
 - e. The project is not located on high-value farmland soils unless it can be demonstrated that:
 - 1) Non high-value farmland soils are not available on the subject tract;

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

- 3) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
- b. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
- c. A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - 1) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
 - 2) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
- d. The requirements of Subsections 54.075(C)(6)(a), (b), (c), and (d) are satisfied.
8. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
 - a. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:

- 1) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - 2) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;
- b. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
 - c. No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - d. The requirements of Subsection 54.075(C)(6)(d) are satisfied;
 - e. If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

- f. If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.
- g. The provisions of Subsection 54.075(C)(8)(f) are repealed on January 1, 2022.
- 9. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
- 10. Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

54.080 – LAND DIVISIONS

A. Minimum Parcel Size.

- 1. EFU-C Parcels are at least 80 acres in size.
- 2. EFU-CG Parcels are at least 80 acres in size.

3. EFU-G Parcels are at least 160 acres in size
- B. A division of land to accommodate a use permitted by Section 54.015, except a residential use, smaller than the minimum parcel size provided in Subsection (A) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
 - C. A division of land to create up to two new parcels smaller than the minimum size established under Subsection (A), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
 1. The nonfarm dwellings have been approved under Subsection 54.055;
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (A); and
 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size in Subsection (A).
 - D. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
 1. The nonfarm dwellings have been approved under Subsection 54.055;
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection (A) but equal to or larger than 40 acres;
 4. The parcels for the nonfarm dwellings are:
 - a. Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

- b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and
- 5. The parcels for the nonfarm dwellings do not have established water rights for irrigation.
- E. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- F. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- G. This Section does not allow a division or property line adjustment of a lot or parcel that separates a use described in 54.010(BB), 54.015(C), or 54.015(G) from the lot or parcel on which the primary residential use exists.
- H. This Section does not allow a division or property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section 54.010(P).
- I. A division of land may be permitted to create a parcel with an existing dwelling to be used:
 - 1. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section 54.055; and
 - 2. For historic property that meets the requirements of Section 54.010(FF).
- J. Notwithstanding the minimum lot or parcel size described in Subsection (A),
 - 1. A division of land may be approved provided:

- a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - b. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
- 2. A parcel created pursuant to this Subsection that does not contain a dwelling:
 - a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b. May not be considered in approving or denying an application for siting any other dwelling;
 - c. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - d. May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- K. A division of land smaller than the minimum lot or parcel size in Subsection (A) may be approved provided:
 - 1. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
 - 2. The church has been approved under Subsection 54.010(Z);
 - 3. The newly created lot or parcel is not larger than five acres; and
 - 4. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection (A) either by itself or after it is consolidated with another lot or parcel.
- L. Notwithstanding the minimum lot or parcel size described Subsection (A), a division for the nonfarm uses set out in Subsection 54.010(L) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

- M. The governing body of a county may not approve a division of land for nonfarm use under Subsection (B), (C), (D), (I), (J), (K), or (L) unless any additional tax imposed for the change in use has been paid.
- N. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- O. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:
 - 1. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.
 - 2. If the parcel does not contain a dwelling, it:
 - a. Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;
 - b. May not be considered in approving or denying an application for any other dwelling; and
 - c. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

54.085 – DEVELOPMENT STANDARDS

All dwellings and structures approved pursuant to Article 54 shall be sited in accordance with this Section.

A. Minimum Parcel Size:

- 1. Exclusive Farm Use-Cropland (EFU-C): 80 acres.
- 2. Exclusive Farm Use-Cropland/Grazing (EFU-CG): 80 acres.
- 3. Exclusive Farm Use-Grazing (EFU-G): 160 acres.

B. Building Heights and Setbacks – See Article 62

C. Fences, Walls and Setbacks – See Article 64

D. Landscaping – See Article 65

E. Signs – See Article 66

F. Parking – See Article 68

G. Access – See Article 71

ARTICLE 55
FORESTRY (F)

55.010 – PURPOSE

The purpose of this zone is to protect forest ecosystems, and to safeguard those sectors of the economy dependent upon forest ecosystems, by conserving the forested land base and forest resources, and by allowing for environmentally sound and economically efficient forest practices. At the same time, Forest zone regulations are aimed at providing opportunities for human habitation, recreation and agricultural uses, consistent with the sound management of soil, air, water, vegetation, fish and wildlife that ensures the continued vitality of the ecosystem, and that does not unnecessarily hinder forest practices.

55.015 – OUTRIGHT USES

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. 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.
- G. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
- H. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

55.020 – PERMITTED USES

In the Forest zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance as well as the general standards for the zone and any other applicable siting and design standards and review process in the zoning ordinance:

- A. Temporary portable facility for the primary processing of forest products.
- B. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- C. 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.
- 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. 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.
- F. Private hunting and fishing operations without any lodging accommodations.
- G. Towers and fire stations for forest fire protection.
- H. Uninhabitable structures accessory to fish and wildlife enhancement.
- I. Temporary forest labor camps.
- J. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- K. An outdoor mass gathering of more than 1,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735 and subject to Section 42.055.
- L. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.
- M. Destination resorts, subject to ORS 197.435 to 197-467, Goal 8 and Article 88. This use is subject to the Planning Commission Review Procedure pursuant to Article 26.
- N. Youth camps subject to Section 55.050. This use is subject to Type II Administrative Review Procedure pursuant to Article 22.
- O. Caretaker residences for public parks and public fish hatcheries subject to Subsection 55.030(L).

- P. A large tract forest dwelling subject to Subsection 55.030(A) and 55.030(L). This use is subject to a Type II Administrative Review pursuant to Article 22.
- Q. A lot of record dwelling subject to Subsections 55.030(B) and 55.030(L). This use is subject to the Administrative Review Procedure pursuant to Article 22.
- R. A template dwelling subject to Subsection 55.030(C) and 55.030(L). This use is subject to the Administrative Review Procedure pursuant to Article 22.
- S. Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections 55.030(D) and 55.030(L).

55.025 – CONDITIONAL USES

In the Forest zone, except where specifically noted, the following uses and their accessory buildings and uses are permitted subject to Conditional Use Permit procedures in Article 44, any specific standards for the use set forth in Section 55.030, the conditional use review criteria in Section 55.035 in place of those contained in Article 44.030 and the general standards for the zone and any other applicable standards and review process in the zoning ordinance:

- A. Log scaling and weigh stations. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- B. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- C. A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative subject to Subsection 55.030(E). This use shall be reviewed as a temporary use permit as required by LDC Article 42.
- D. Parking of up to seven dump trucks and seven trailers. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- E. Home occupations subject to Subsection 55.030(E) (See Article 85)
- F. Permanent facility for the primary processing of forest products subject to 55.030(M). This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- G. Permanent logging equipment repair and storage. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- H. Private seasonal accommodations for fee hunting operations subject to Subsection 55.030(F). This use is subject to the Type II Administrative Procedure pursuant to Article 22.

- I. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsection 55.030(G). This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- J. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection (S) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- K. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- L. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
- M. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- N. 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.
- O. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- P. Expansion of existing airports.
- Q. Television, microwave and radio communication facilities and transmission towers. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- R. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
- S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- T. Reservoirs and water impoundments. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- U. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation, subject to 55.030(I).

- V. Commercial utility facilities for the purpose of generating power subject to Subsection 55.030(H).
- W. Aids to navigation and aviation. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- X. Firearms training facility as provided in ORS 197.770(2). This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- Y. Fire stations for rural fire protection. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- Z. Cemeteries. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- AA. Public parks subject to Subsection 55.030(J).
- BB. Private parks and campgrounds subject to Subsection 55.030(K).

55.030 – USE STANDARDS

- A. A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
 - 1. The tract is at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to paragraph (3) for all tracts that are used to meet the acreage requirements of this subsection.
 - 2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
 - 3. Where one or more lots or parcels are required to meet minimum acreage requirements:
 - a. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- B. Lot of record dwelling

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (4):
 - a. Since prior to January 1, 1985; or
 - b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 2. The tract on which the dwelling will be sited does not include a dwelling;
 3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
 5. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - a. A United States Bureau of Land Management road; or
 - b. A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
 6. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and
 7. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
- C. A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

1. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
2. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
3. 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 centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
5. Except as provided by paragraph (6), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
6. The following applies where a tract 60 acres or larger abuts a road or perennial stream.
 - a. The measurement shall be made in accordance with paragraph (5). However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - 1) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.

- b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
 - c. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
- 7. A proposed "template" dwelling under this ordinance is not allowed:
 - a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - b. Unless it complies with the requirements of Sections 55.040 and 55.045;
 - c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph 55.030(A)(3) for the other lots or parcels that make up the tract are met; or
 - d. If the tract on which the dwelling will be sited includes a dwelling.
- 8. Where other lots or parcels that make up a tract in Subsection (7):
 - a. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- D. Alteration, restoration or replacement of a lawfully established dwelling, where Subsections (1) or (2) apply:
 - 1. Alteration or restoration of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structures;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights; and
 - d. Has a heating system.

2. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- E. A home occupation as allowed per Article 85.
- F. Private seasonal accommodations for fee hunting operations are subject to the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted; and
 3. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- G. Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted;
 3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 4. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- H. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.
- I. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 55.035 and shall comply with the following requirements.
1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
 2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.

3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
 4. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
 - a. The area surrounding the facility is kept free from litter and debris.
 - b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - c. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
 5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
 6. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
 7. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
 8. Hours of operation for the facility shall be limited to 8 am – 7 pm.
 9. Comply with other conditions deemed necessary.
- J. Public parks may include:
1. All uses allowed under Statewide Planning Goal 4;
 2. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;

- c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
3. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- a. Meeting halls not exceeding 2000 square feet of floor area;
 - b. Dining halls (not restaurants).

K. Private Campgrounds and Campsites.

- 1. Campgrounds in private parks may be permitted, subject to the following:
 - a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

- b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
 - c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - d. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
- 2. Campsites within campgrounds meeting the requirement of 55.030K.1 and permitted pursuant to Section 55.035 must comply with the following:
 - a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to 55.030K.2.c.
 - b. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.
 - c. No more than one-third or a maximum of 10 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.
- L. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- M. Permanent facility for the primary processing of forest products that is:
 - 1. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or
 - 2. Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or
 - 3. Located in a combination of indoor and outdoor areas described in Subsections (1) and (2); and
 - 4. Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

55.035 – CONDITIONAL USE REVIEW CRITERIA

A use authorized by Section 55.025 of this zone may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025 Subsection (5)(c).
- D. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - 1. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - 2. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - 3. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
 - 4. The use is or can be made compatible with existing uses and other allowable uses in the area.

55.040 – SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section 55.045 to identify the building site:

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

2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 4. The risks associated with wildfire are minimized.
- B. Siting criteria satisfying Subsection (A) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- C. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 2. A water use permit issued by the Water Resources Department for the use described in the application; or
 3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- D. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- E. Approval of a dwelling shall be subject to the following requirements:
1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 2. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

3. Stocking survey report:

- a. If the lot or parcel is more than 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;
 - b. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
4. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

55.045 – FIRE-SITING STANDARDS FOR DWELLINGS AND STRUCTURES

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

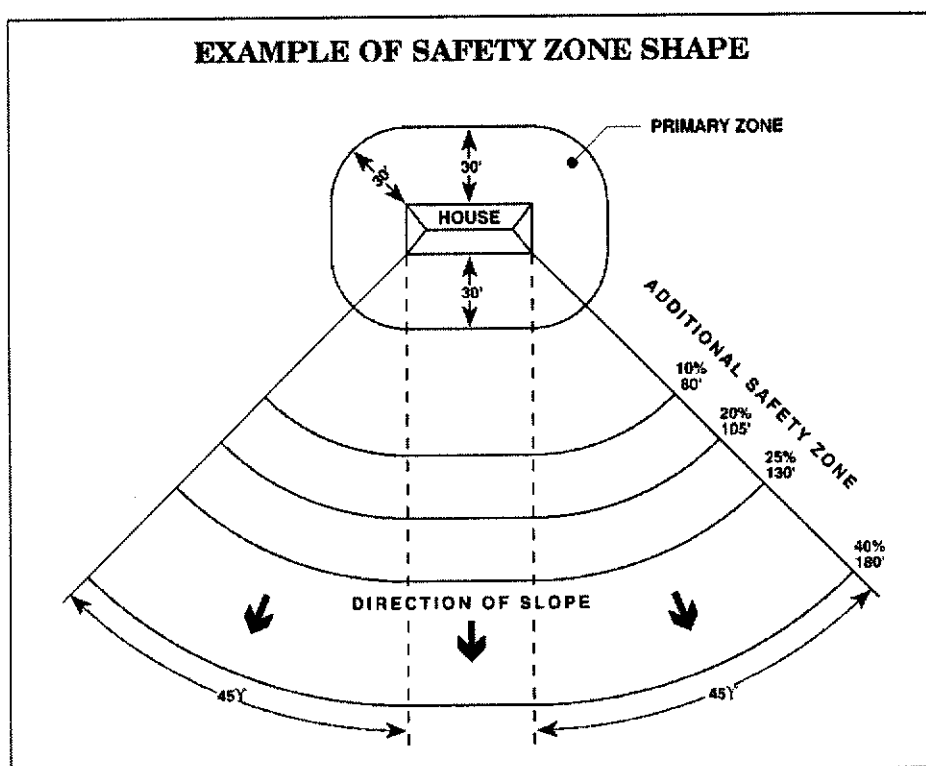
- A. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the home site shall meet the requirements in Article 69 of this code.
 1. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 2. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- B. Road access to the dwelling shall meet road design standards in Article 69 of this code.

- C. 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 and shall demonstrate compliance with Table 55.045-1.

TABLE 55.045-1 Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Figure 55.045-1



- D. The dwelling shall have a fire retardant roof.
- E. The dwelling shall not be sited on a slope of greater than 40 percent.

- F. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

55.050 – YOUTH CAMPS

- A. The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.
- B. Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.
- C. An application for a proposed youth camp shall comply with the following:
1. The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph 55.050D.2 a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
 2. The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph 55.050C.1.
 3. Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
 4. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 5. A campground as described in Subsection 55.030(K) shall not be established in conjunction with a youth camp.
 6. A youth camp shall not be allowed in conjunction with an existing golf course.
 7. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
- D. The youth camp shall be located on a lawful parcel that is:

1. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 80 acres.
2. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - a. The proposed setback will prevent conflicts with commercial resource management practices;
 - b. The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - c. The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
3. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.

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

1. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.

2. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 3. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
 4. Up to three camp activity buildings, not including primary cooking and eating facilities.
 5. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 6. Covered areas that are not fully enclosed.
 7. Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
 8. An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
 9. A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.
- F. A proposed youth camp shall comply with the following fire safety requirements:
1. The fire siting standards in Section 55.045;
 2. A fire safety protection plan shall be developed for each youth camp that includes the following:
 - a. Fire prevention measures;
 - b. On site pre-suppression and suppression measures; and
 - c. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 3. Except as determined under paragraph 4, a youth camp's on-site fire suppression capability shall at least include:

- a. A 1000 gallon mobile water supply that can access all areas of the camp;
 - b. A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - c. A sufficient number of fire-fighting hand tools; and
 - d. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
4. An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
5. The provisions of paragraph 4 may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
- G. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

55.055 – LAND DIVISIONS IN FOREST ZONES

- A. The minimum parcel size for new forest parcels is 80 (eighty) acres.
- B. New land divisions less than the parcel size in Subsection (A) may be approved for any of the following circumstances:
- 1. For the uses listed in the following subsections provided that such uses have been approved pursuant to section 55.035 and the parcel created from the division is the minimum size necessary for the use.
 - a. 55.020J. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
 - b. 55.020M. Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.

- c. 55.025A. Log scaling and weigh stations
 - d. 55.025F. Permanent facility for the primary processing of forest products subject to 55.030M.
 - e. 55.025G. Permanent logging equipment repair and storage.
 - f. 55.025J. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 55.025(S) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - g. 55.025Q. Television, microwave and radio communication facilities and transmission towers.
 - h. 55.025S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - i. 55.025T. Reservoirs and water impoundments.
 - j. 55.025U. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
 - k. 55.025V. Commercial utility facilities for the purpose of generating power subject to Subsection 55.030(H).
 - l. 55.025W. Aids to navigation and aviation.
 - m. 55.025X. Firearms training facility as provided in ORS 197.770(2).
 - n. 55.025Y. Fire stations for rural fire protection.
 - o. 55.025Z. Cemeteries.
 - p. 55.025AA. Public parks subject to Subsection 55.030(J).
 - q. 55.025BB. Private parks and campgrounds subject to Subsection 55.030(K).
2. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
- a. The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and

- b. The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - 1) Meets the minimum land division standards of the zone; or
 - 2) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- 3. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (A). Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (A) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - a. Are not eligible for siting of a new dwelling;
 - b. May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - d. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - 1) Facilitate an exchange of lands involving a governmental agency; or
 - 2) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- 4. To allow a division of a lot or parcel zoned for forest use if:
 - a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - b. Each dwelling complies with the criteria for a replacement dwelling under paragraph 55.030D.1;
 - c. Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - d. At least one dwelling is located on each parcel created under this paragraph; and

- e. The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
5. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.
- C. A lot or parcel may not be divided under paragraph 55.055B.4 if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- D. Restrictions
- 1. An applicant for the creation of a parcel pursuant to paragraph 55.055B.2 shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (B).
 - 2. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.
- E. A landowner allowed a land division under Subsection (B) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.
- G. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:

1. If the parcel contains a dwelling, it must be large enough to support continued residential use.
2. If the parcel does not contain a dwelling:
 - a. It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b. It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and
 - c. The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

55.060 – PROPERTY DEVELOPMENT STANDARDS

All dwellings and structures approved pursuant to Article 55 shall be sited in accordance with this Section.

- A. Minimum Parcel Size – See 55.055.
- B. Building Heights and Setbacks – See Article 62
- C. Fences, Walls and Screening – See Article 64
- D. Landscaping – See Article 65
- E. Signs – See Article 66
- F. Parking – See Article 68
- G. Access – See Article 71

ARTICLE 55.2

FORESTRY/RANGE (FR)

55.210 – PURPOSE

The purpose of this zone is to promote management and conservation of lands of mixed farm and forest use. This productive potential of this land is considered to be greater than that of Non-Resource (NR) zoned lands, but less than that of Farm (EFU) or Forestry (F) zoned lands.

The zone shall be applied to those lands located in southern Klamath County which primarily consist of a juniper-sagebrush-bitterbrush vegetation cover, have no forest productivity rating or are predominantly rated as Class VII forest lands, may be significant wildlife habitat, and are areas of mixed BLM and private ownership.

55.211 – APPLICATION

The Forestry/Range zone includes lands of mixed farm and forestry uses. Criteria, standards, and procedures for development and land partitioning shall be determined based on tax status, soil class, existing parcel size, predominant land use as of January 1, 1993, and Goal 5 constraints.

If the predominant land use was farming, the criteria, standards, and procedures in Article 54 shall apply to all development and land partition activities.

55.212 – PROCEDURE

The county shall assign the tract to either Article 54 or Article 55 based on the following:

- A. If the tract was under farm deferral on January 1, 1993, then Article 54 applies; or
- B. If the tract is not under farm deferral then Article 55 applies unless the following conditions are met, then Article 54.010(DD) shall apply:
 - (1) The tract is predominantly made up of class VII soils;
 - (2) The tract is less than 80 acres; and
 - (3) The tract is not within big game habitat.

55.213 – LAND DIVISIONS IN FORESTRY/RANGE ZONES

Land divisions shall be processed and reviewed consistent with Articles 45. In addition to review criteria contained in Section 45.050, the following criteria shall apply:

- A. MINIMUM LOT SIZE - The minimum lot size is 80 acres.

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

(1) For the uses listed in Chapter 55.055(B)(1) of the Forest Zone, provided that such uses have been approved pursuant to the associated review criteria of the Forest Zone and the parcel created from the division is the minimum size necessary for the use.

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

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

(b) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(i) Meets the minimum land division standards of the zone; or

(ii) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(c) The minimum tract eligible under paragraph (2) of this subsection is 40 acres;

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

(e) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.

(3) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (A). Parcels created pursuant to this paragraph:

(a) Are not eligible for siting of a new dwelling;

(b) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

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

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

(i) Facilitate an exchange of lands involving a governmental agency; or

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

(4) To allow a division of a lot or parcel zoned for farm-forest use if:

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

(b) Each dwelling complies with the criteria for a replacement dwelling under subsection 55.010(GG) of the EFU Zone;

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

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

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

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

C. A lot or parcel may not be divided under paragraph 55.213(B)(4) if an existing dwelling on the lot or parcel was approved under:

(1) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or

(2) A farm use zone provision.

D. Restrictions

(1) An applicant for the creation of a parcel pursuant to paragraph 55.213(B)(2) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (B).

(2) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

E. A landowner allowed a land division under Subsection (B) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

55.214 – PROPERTY DEVELOPMENT STANDARDS

A. Minimum Parcel Size - see 55.213(A)

B. Building Heights and Setbacks - See Article 62

C. Fences, Walls and Screening - See Article 64

D. Landscaping - See Article 65

E. Signs - See Article 66

F. Parking - See Article 68

G. Access - See Article 71