**EFU MODEL ZONE & JEFFERSON COUNTY LDO COMPARISON**

| **EFU MODEL ZONE (EASTERN COUNTIES)** | **JEFFERSON COUNTY LDO** | **APG Notes** |
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| **X.01 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.* |  | No change. |
| *The EFU zone has been applied to lands designated as Agriculture in the Comprehensive Plan, which primarily include [local reference here].The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.* |  | No change. |
| **X.02 Definitions** |  |  |
| For the purpose of this article, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows: |  |  |
| A. 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.* | Accepted Farming Practice: A mode of operation that is common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches to obtain a profit in money and customarily utilized in conjunction with farm use. | Added discretionary language to definition in Section 105. |
| *B. Accessory Structure:* *A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use, and for which the owner files a restrictive covenant in the deed records of the county agreeing that the accessory structure will not be used as a residence or rental unit.* | Accessory Use or Accessory Structure: A use or structure located on the same lot, which is incidental and subordinate to the main use of the property. | Replaced with discretionary language in Section 105. |
| *C. 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.* | No Definition | Added discretionary language to Section 105. |
| D. *Agri-tourism: A common, farm-dependent activity that promotes agriculture, any income from which is incidental and subordinate to a working farm. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals. Except for small, farm-themed parties, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agri-tourism.* | 301.4.R ORS 215.283(4) Agritourism shall govern such Jefferson County uses. | No change. |
| E. 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. | No Definition | Added definition to Section 105. |
| F. *Bed and Breakfast facility: An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of ORS 624.010 to 624.130. A bed and breakfast facility may be reviewed as either a home occupation or as a room and board operation.* | 410.3 Bed and Breakfast Inns Bed and Breakfast inns are a form of home occupation that provide temporary accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing single-family residence. Bed and Breakfast inns must comply with the home occupation standards in subsection 410.2 and the following: A. A Bed and Breakfast inn may only be operated by the owner of the property, who must reside within the residence. B. There shall be no more than five guest rooms. C. No more than ten guests shall be accommodated at any one time. D. Room rentals to families or individuals shall not exceed 30 consecutive days. E. One off-street parking space shall be provided for each guest room and each employee, in addition to parking required for the residence. F. The only meal to be provided shall be breakfast served only to guests taking lodging in the facility. 172 G. Prior to beginning operation, if the property is not connected to a public sewer system, the County Sanitarian must examine the sewage disposal system and determine that the system is, or can be made adequate for the proposed use. H. If the Bed and Breakfast inn will have more than two guest rooms, prior to beginning operation the following are required: 1. If the property is not connected to a public water supply, the water system must be approved as a public water supply by the Drinking Water Division of the State Department of Human Services. 2. The facility must be inspected by the Building Division to determine that the residence that will house the Bed and Breakfast operation is, or can be made adequate for the proposed use. 3. The facility must comply with state hotel/motel restaurant licensing procedures administered by the County Health Department. The issuance of such licenses will not be considered as allowing a commercial use other than the Bed and Breakfast inn. I. Prior to beginning operation, all necessary state and county permits, licenses and certifications must be obtained. | No change. |
| G. Campground: An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. | Campground: An area consisting of a minimum of three (3) acres with no more than ten (10) spaces per acre and designed for short-term overnight use for vacation, recreational or emergency purposes but not for residential purposes. A campground shall not include campsite utility hook-ups, intensively developed recreational uses such as swimming pools or tennis courts, or commercial activities such as retail stores or gas stations. Spaces for tents, campers, and recreational vehicles are allowed. No more than one-third, or a maximum of ten campsites, whichever is smaller, may include a yurt. | Added language related to “and established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground” to definition in Section 105. |
| H. *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 Activities in Conjunction with Farm Use: For-profit activities conducted for the primary purpose of maintaining commercial agricultural enterprises. Includes commercial activities that are either exclusively or primarily a customer or supplier of farm uses; commercial activities that provide products and services essential to the practice of agriculture by surrounding agricultural operations; or commercial activities and/or events that significantly enhance the agricultural enterprises of the local agricultural community. | No change. |
| I. 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. | 301.6.E. The subject tract will be employed as a commercial dairy. A “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk: a. On land identified as high-value farmland, at least $80,000 in gross annual income; or b. On land not identified as high-value farmland, at least $40,000 in 51 gross annual income. | Separated definition within Section 301.6. |
| J. *Commercial power generating facility: A facility for the production of energy and its related or supporting facilities that:*  *(1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow “Farm Use” and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;*  *(2) Is intended to provide energy for sale; and*  *(3) Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.* | Utility Facility: Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or byproducts and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone. Includes equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility, and necessary appurtenances including related rights-of-way and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses). | No change. |
| K. Contiguous: Connected in such a manner as to form a single block of land. | No Definition | Added definition to Section 105. |
| L. 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. Reconfigured means any change in the boundary of the lot, parcel or tract. | Date of Creation: 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. A lawfully created lot or parcel remains discrete unless the lot or parcel lines are vacated, or the lot or parcel is further divided as provided by law. In resource zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract. | Replaced with MZ definition in Section 105. |
| M. *Event, Temporary: A temporary event is one that is held primarily on or is using public property that has an expected attendance of more than [50], but no more than [500] people, that will not continue for more than [72] hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a [ministerial/Type I] process and are not considered “outdoor mass gatherings” as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).* | 422.11 | No change. |
| N. 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. | No Definition | Added definition to Section 105. |
| O. 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. | 301.6.F.4. The farm operator will continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. | Removed definition from 301.6(F)(4) and added to Section 105. |
| P. 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. | 301.6.B.3. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation. “Farm or ranch operation” means 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 Section 105. | Removed definition for farm or ranch operation from 301.6(B)(3) and added to 105. |
| *Q. Farm Stand Structure: A structure that is designed and used for the sale of farm crops and livestock as provided in X.07 F. A food stand is considered to be a farm stand structure.* | 301.2.C. Farm Stand, except for any marijuana retailing or promotion of marijuana use or business, provided: 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 incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of 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 30 2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or 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; “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; “local agricultural area” includes Oregon. | No change. |
| R. Farm Use: As used in the definition of "farm use" in ORS 215.203:  (1) “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  (2) “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. | Farm Use: As defined in ORS 215.203. The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. Farm use includes the preparation, storage and disposal by marketing or otherwise of the products raised on such land for human use or animal use. Farm Use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not 9 limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3), or land described in ORS 321.267 (1)I or 321.415 (5). A. “Current employment” of land for farm use includes: 1. Farmland, the operation or use of which is subject to any farm-related government program; 2. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; 3. Land planted in orchards or other perennials, other than land specified in subparagraph (4) of this paragraph, prior to maturity; 4. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years; 5. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable 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; 6. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283(2)(a); 7. Water impoundments lying in or adjacent to and in common ownership with farm use land; 8. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use; 9. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer’s immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death; 10. Any land described under ORS 321.267 (3) or 321.824 (3); 11. Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and 12. Land used for the processing of farm crops into biofuel, if: a. Only the crops of the landowner are being processed; b. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or c. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale. 10 B. “Cultured Christmas trees” means trees: 1. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil; 2. Of a marketable species; 3. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and 4. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation. C. “Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, composting or packaging of the products or byproducts. D. “Products or by-products raised on such land” means that those products or byproducts 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. | No change. |
| S. *Fee-based activity to promote the sale of farm crops or livestock (as applied to farm stands): An agri-tourism activity as defined herein that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of X.07 F.* | No Definition. See Farm Stand above | Added to Section 105. |
| T. Golf course: An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of this ordinance means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:  (1) A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;  (2) A 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;  (3) 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. | 301.4.E. E. Golf course. New golf courses are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Expansion of an existing golf course shall comply with all of the requirements of this section, but shall not be expanded to contain more than 36 total holes. “Golf course” means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 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 the purposes of this section means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following: 1. A regulation 18-hole golf course is generally characterized by a site of approximately 120 to 150 acres of land, with a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes. 2. A regulation 9-hole golf course is generally characterized by a site of approximately 65 to 90 acres of land, with a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes. 3. Non-regulation golf courses are not allowed. “Non-regulation golf course” means a golf course or golf course-like development that does not meet the definition of golf course in sections (1) and (2) above, including but not limited to executive golf courses, Par three (3) golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges. 4. Accessory uses provided as a part of a golf course shall be limited to those uses consistent with all of the following: a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either 42 necessary for the operation and maintenance of the golf course or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners’ course as part of an 18-hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing, such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing. b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to play golf. An accessory use that provides commercial service (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment. | No change. |
| U. High-Value Farmland, described as:  (1) Land in a tract composed predominantly of soils that are:  (a) Irrigated and classified prime, unique, Class I or II; or  (b) Not irrigated and classified prime, unique, Class I or II.  (2) In addition to that land described in Subsection 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; | High-value Farmland: Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or II or not irrigated and classified prime, unique, Class I or II. 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. Soil classes, soil ratings or other soil designations are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993. | No change. |
| *V. Home Occupation: A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.* | Home Occupation: A business carried on by a resident of the property in the dwelling or in an accessory building on the same parcel in such a manner that does not impair the outward appearance of the property in the ordinary meaning of the term, does not cause or lead to an unreasonable increase in the flow of traffic in the neighborhood, or the production of noise or other forms of environmental pollution. | No change. |
| W. Irrigated: Watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this ordinance, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract. | Irrigated Land: Cropland watered by an artificial or controlled means, such as sprinklers, furrows, ditches or spreader dikes. An area or tract is “irrigated” if it is currently watered, or has established rights to use water for irrigation, including lands that receive water for irrigation from a water or irrigation district or other provider. For purposes of review of applications in farm zones, a parcel or tract within a water or irrigation district that was once irrigated continues to be considered “irrigated” even if the irrigation water was removed or transferred to another tract. | No change. |
| X. 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. | 301.3 M. Living history museum. Approval is subject to compliance with Section 301.5. “Living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. 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 are 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 Board of Commissioners and organized under ORS Chapter 65. | Modified to include standards in a subsection along with standards from X.07Z. |
| Y. Lot: A single unit of land that is created by a subdivision of land as provided in ORS 92.010. | Lot: A unit of land that is created by a subdivision of land. Except in relation to land divisions, “lot” is synonymous with “parcel” for purposes of this Ordinance. | Added language related to “as provided in ORS 92.010.” |
| *Z. Medical Hardship: “Medical hardship” means a temporary circumstance caused by serious illness or infirmity, authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).* | No Definition. 422.3 Temporary Medical Hardship Dwelling | Added to Section 105. |
| AA. Mining, Aggregate: 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. | Mining: 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. For purposes of Exclusive Farm Use and Range Land zones, a permit is required to mine more than 1,000 cubic yards of material or to excavate preparatory to mining a surface area of more than one acre. For all other zones, a permit is required to mine more than 5,000 cubic yards of mineral or more than one acre of land within a period of 12 consecutive calendar months. Mining does not include: (1) excavations conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of construction, reconstruction or maintenance of access roads; (2) excavationor grading conducted in the process of farm or cemetery operations; (3) excavation or grading conducted for on-site road construction or other on-site construction; or, (4) nonsurface impacts of underground mines. | Added “aggregate” to definition. Added missing MZ language related to restrictions. |
| *BB. Net Metering Power Facility: A facility for the production of energy that:*  *(1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;*  *(2) Is intended to offset part of the customer-generator’s requirements for energy;*  *(3) Will operate in parallel with a utility’s existing transmission and distribution facilities;*  *(4) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;*  *(5) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.* | Net metering: The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period | No change. |
| *CC. Non-Commercial/Stand Alone Power Generating Facility: A facility for the production of energy that:*  *(1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;*  *(2) Is intended to provide all of the generator’s requirements for energy for the tract or the specific lawful accessory use that it is connected to;*  *(3) Operates as a standalone power generator not connected to a utility grid; and*  *(4) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.* | No definitions | Added to Section 105. |
| DD. NRCS Web Soil Survey: Official source of certified soils data available online that identifies agricultural land capability classes, developed and maintained by the Natural Resources Conservation Service as of January 1, 2016, for agricultural soils that are not high-value, and as of December 6, 2007, for high-value agricultural soils. | No Definition | Added to Section 105. |
| EE. 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. | No Definition | Added to Section 105. |
| FF. Outdoor Mass Gathering: A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 [more than 500] 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). | 422.6 | No change. |
| GG. Parcel: A single unit of land that is created by a partition of land as provided in ORS 215.010(1). | Parcel: Includes a unit of land created: A. By partitioning land as defined in ORS 92.010; B. In compliance with all applicable planning, zoning or partitioning ordinances or regulations; C. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations. Does not include a unit of land created solely to establish a separate tax account. | No change. |
| HH. Preparation: See “farm use” definition. |  | No change. |
| II. Personal use airport: An airstrip 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. | 301.4.G Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. “Personal use airport” means an airstrip 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. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Dept. of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Dept. of Aviation. | No change. |
| *JJ. 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.* | No Definition | Added to Section 105. |
| *KK. 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.* | No Definition | Added to Secton 105. |
| *LL. 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.* | No Definition | Added to Section 105. |
| MM. 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. | No Definition | Added to Section 105. |
| NN. Relative: A child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator’s spouse. | 422.3.A.1 The temporary medical hardship dwelling will be occupied by a relative of the existing resident of the property, if the relative suffers from a medical hardship, or by a caregiver for the existing resident, if the resident suffers from the hardship. “Relative” includes a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin. “Hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons. | No change. |
| *OO. Structure: 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.* | Structure: A building or other major improvement that is built, installed or constructed. Among other things, structures include buildings, retaining walls, decks, communication towers, and bridges, but do not include minor improvements such as fences, swimming pools, utility poles, flagpoles, irrigation system components and similar items that are not customarily regulated through zoning ordinances. | No change. |
| *PP. 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.* | Temporary: A time period of 6 months or less in any 12 month period, unless otherwise specified in this Ordinance. | No change. |
| QQ. Tract: one or more contiguous lots or parcels under the same ownership as provided in ORS 215.010(2). | Tract: One or more contiguous lots or parcels under the same ownership | No change. |
| *RR. Utility Facilities Necessary for Public Service: Unless otherwise specified [in this Article/Chapter], any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers , sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200’ in height) including substations not associated with a commercial power generating facilities and other similar facilities.* | Utility Facility: Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or byproducts and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone. Includes equipment or apparatus, standing alone or as part of a structure, that is used or intended to be used by a public or private utility, and necessary appurtenances including related rights-of-way and easements for the transmission of electric power, gas, water, sewerage, communication signals, telephone and any in-line facilities needed for the operation of such facilities (e.g., gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses). | No change. |
| SS. Yurt: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. | Yurt: A round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance. | No change. |
| **X.03 Non-residential Uses Permitted** |  |  |
| In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance: | The following uses are permitted outright in the EFU A-1, EFU A-2 and RL zones: | No change. |
| A. Farm use. | 301.2.A. Farm use, as defined in Section 105 and ORS 215.203, except Marijuana production, Marijuana processing, and Marijuana research which are subject to Administrative Review. | No change. |
| B. Propagation or harvesting of a forest product. | 301.2.E. Propagation or harvesting of a forest product. | No change. |
| C. Agricultural buildings customarily provided in conjunction with farm use. |  | Updated 301.2.B with MZ langage. |
| D. Creation of, restoration of, or enhancement of wetlands. | 301.2.F. Creation, restoration or enhancement of wetlands. | No change. |
| 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. | 301.2.H. 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. | No change. |
| F. Operations for the exploration for minerals as defined by ORS 517.750. | 301.2.I. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b). | No change. |
| G. Climbing and passing lanes within the right of way existing as of July 1, 1987. | 402.3.C.1 Reconstruction or modification of public roads and highways where no removal or displacement of buildings would occur, or no new land parcels result, including the following:  1. The addition of climbing and passing lanes within the right-of-way  existing as of July 1, 1987.  2. Widening of roads that does not include the addition of travel lanes.  3. The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way. | Added as 301.2(R). |
| 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. | 402.3.C.1 SEE ABOVE | Added as 301.2(S). |
| 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. | 402.3.D Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed. | Added as 301.2(T). |
| 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. | 402.3.E. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within the 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. | Added as 301.2(U). |
| 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. | 301.2.K. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505. | Updated with MZ language (only minor differences). |
| L. Fire service facilities providing rural fire protection services. | 301.2.J. Fire service facilities for rural fire protection. | No change. |
| M. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306. | 301.2.M M. On-site filming and accessory activities for 45 days or less. The use is permitted, provided activities will involve no more than 45 days on any site within a one year period and will not involve erection of sets that would remain in place for longer than any 45-day period.  1. The use includes:  a. Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming;  b. Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.  2. The use does not include:  a. Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or  b. Construction of new structures that requires a building permit. | No change. |
| N. Firearms training facility in existence on September 9, 1995. | 301.3.L. Firearms training facility in existence on September 9, 1995. The facility may continue operating until such time as the facility is no longer used as a firearms training facility. A “firearms training facility” is an indoor or outdoor facility that provides training courses and issues certifications required: 37 1. For law enforcement personnel; 2. By the State Department of Fish and Wildlife; or 3. By nationally recognized programs that promote shooting matches, target shooting and safety. | No change. |
| O. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735. | 422.6 | Added as 301.2(V). |
| **X.04 Non-Residential Uses Permitted Subject to Standards** |  |  |
| In the EFU zone, the following uses and their accessory buildings and uses are permitted subject to county review and the specific standards for the use set forth in Section X.07 , as well as the general standards for the zone [and any other applicable siting and design standards and review process in the zoning ordinance]: | The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, subject to findings of compliance with the listed standards and criteria and any other applicable requirements of this ordinance: | No change. |
| A. A facility for the processing of farm crops, biofuel or poultry subject to Subsection X.07 A. | Under definition of ‘Farm Use’ 12. Land used for the processing of farm crops into biofuel, if: a. Only the crops of the landowner are being processed; b. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or c. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale. | MZ use is listed in 301.3(S). Updated 301.3 with MZ language. Included “including marijuana production” from existing County code. |
| B. Dog training classes or testing trials subject to Subsection X.07 E. | Not found. | Added new use as 301.2(W) |
| C. Farm stands subject to Subsection X.07 F. | 301.2.C. Farm Stand, except for any marijuana retailing or promotion of marijuana use or business, provided: | Added missing discretionary standards from X.07F. See X.07F for details. |
| D. A winery subject to Section X.14 . | 301.3.D. | Replaced standards with ORS reference. |
| E. Agri-tourism and other commercial events or activities subject to Section X.15 . | 301.4. R. ORS 215.283(4) Agritourism shall govern such Jefferson County uses. | No change. |
| F. Destination resort subject to Subsection X.07 G. | 301.4.P. A destination resort on property identified as destination resort-eligible by the County Comprehensive Plan subject to the standards in section 430 of this ordinance. Section 430 Destination Resorts | Renumbered use. Added standards from X.07G. See X.07G for details. |
| G. Land application of reclaimed water, agricultural or industrial process water or biosolids subject to Subsection X.07 N. | 301.3. 301.3 E. Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation, subject to a determination by DEQ that the application rates and site management practices for the land application ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract. 1. Uses allowed under this Section include: a. The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application. b. The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment that are accessory to and reasonably necessary for the land application to occur on the subject tract; and c. The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application 34 occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within: i. A public right-of-way; or 35 ii. Other land if the landowner provides written consent and the owner of the facility is 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; and 2. Uses not allowed under this Section include: a. The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or b. The establishment and use of utility facility service lines allowed under Section 301.2(M). 3. If the Planning Director’s decision to allow the use is appealed, prior to the County making a final decision the applicant shall explain in writing how any alternatives identified in public comments were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives. A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives. 4. The use of a tract on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred may not be changed to allow a different use unless: a. The tract is within an acknowledged urban growth boundary; b. The tract is rezoned to a zone other than EFU A-1, EFU A-2 or RL; c. The different use of the tract is a farm use as defined in Section 105; or d. The different use of the tract is a use allowed under ORS 215.283(1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x) or 215.283(2)(a), (j), (l), or (p) to (s). | Replaced existing standards with reference to ORS. |
| H. Utility facility service lines subject to Subsection X.07 O. | 301.2.L. 301.2 L. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: 1. A public right-of-way; 2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or 31 3. The property to be served by the utility. | No change. |
| I. Utility facilities necessary for public service, including associated transmission lines as defined in Section X.02 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 X.07 P. | 301.3.Q | Added “associated transmission lines as defined in X.02.”  Added missing standards from X.07.Q(1)(e).  Added missing standards from X.07Q(2).  Reorganized standards. |
| J. A site for the takeoff and landing of model aircraft subject to Subsection X.07 S. | 301.2.N. A site for the takeoff and landing of model aircraft, including such buildings or facilities as are reasonably necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility existed prior to establishment of the takeoff and landing site. The site shall not include an aggregate surface or hard surface area unless the surface existed prior to establishment of the takeoff and landing site. 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 controlled by radio, lines, or design by a person on the ground. | Added missing MZ standards from X.07S. Added drones to definition of model aircraft. |
| K. Churches, and cemeteries in conjunction with churches, subject to Subsection X.07 Z. This use is not permitted on high-value farmland except that existing churches on high-value farmland may be expanded subject to Subsection X.07 BB. | 301.3.J. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, subject to the following: 1. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. 2. The use shall not be approved within three miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved. | Updated subsection J.2 with MZ language from X.07Z. |
| L. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763. | 422.6 | Added as new use to 301.3(W), subject to Section 422.6. |
| **X.05 Residential Uses Permitted Subject to Standards** |  |  |
| The following uses are permitted subject to county review and the specific standards for the use set forth in Section X.07 , 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 dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed standards and criteria and any other applicable requirements of this ordinance. The County Assessor will be notified when a dwelling is approved. A condition of approval will require that the landowner 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. | No change. |
| A. Dwelling customarily provided in conjunction with farm use subject to Subsection X.07 AA and Section X.09 . | 301.6.A & B & C & E Includes Large Tract, Commercial Dairy, Income test, Median Test | See X.09 below for changes. |
| B. 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 Subsections X.07 C, and X.07 AA. | 301.6.F. Accessory Farm Dwelling for a Relative | See X.07F below for changes. |
| C. Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection X.07 AA and Section X.10 . | 301.6.G. Accessory Farm Dwellings | See X.10 below for changes. |
| D. One single-family dwelling on a lawfully created lot or parcel subject to Subsection X.07 AA and Section X.11 . [A “lot of record” dwelling] | 301.6. H. Lot of Record Dwelling | Seel X.11 below for changes. |
| E. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection X.07 AA and Section X.12 . | 301.6. I. Nonfarm Dwelling | See X.12 below for changes. |
| F. 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 X.07 AA. | 301.6. K. Historic Dwelling Replacement A replacement dwelling to be used in conjunction with farm use may be allowed provided the existing dwelling has been listed on the county inventory of historic property as defined in ORS 358.480 and is listed on the National Register of Historic Places. | No change. |
| G. Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection X.07 AA and Section X.13 | 301.6.J. Replacement Dwelling | See X.13 below for changes. |
| **X.06 Conditional Uses** |  |  |
| The following uses are permitted subject to county review, any specific standards for the use set forth in Section X.07 , the conditional use review criteria in Section X.08 , and the general standards for the zone [and any other applicable standards and review process in the zoning ordinance]: | The following uses may be approved in the EFU A-1, EFU A-2 and RL zones unless specifically stated otherwise. Applications will be reviewed at a public hearing before the Planning Commission in accordance with the procedures in Section 903.5. In order to be approved, the use must comply with the criteria in Section 301.5, Section 602, any standards and criteria listed under the specific use and any other applicable requirements of this ordinance. | No change. |
| *A. A facility for the primary processing of forest products subject to Subsection X.07 B.* | 301.3.A. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill, or other similar methods of initial treatment of a forest product in order to enable its shipment to 32 market. Approval is subject to compliance with Section 301.5 and the following: 1. The timber being processed shall be grown on the parcel where the processing facility is located or on contiguous land. 2. The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 105. 3. The facility must be intended to be only portable or temporary in nature. 4. The facility may be approved for a one-year period, which is renewable. | No change. |
| *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.* | 301.4.A.Propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission, or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The County shall provide notice of all applications under this Section to the State Department of Agriculture at least 20 calendar days prior to any administrative decision on the application. | No change. |
| *C. Temporary hardship dwelling subject to Subsection X.07 D and X.07 AA.* | 301.6. L. Temporary Medical Hardship Dwelling One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to the requirements of Section 422.3 and compliance with the approval criteria in Section 301.5. | Added portion of X.07C(2) that was missing. See X.07C(2) for details. |
| *D. Residential home as defined in ORS 197.660, in existing dwellings, subject to Subsection X.07 AA.* | 301.3.P. P. A residential home or facility as defined in ORS 197.660 may be allowed in an existing lawfully established dwelling, subject to compliance with Section 301.5. A condition of approval shall require that the landowner 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. | No change. |
| *E. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection X.07 AA.* | Doesn’t exist. | Added as 301.6(M) |
| F. Parking of up to seven log trucks. | 301.3.B . Parking no more than seven log trucks, subject to compliance with Section 301.5. | No change |
| *G. Home occupations as provided in Subsection X.07 H.* | 301.3. G. Home occupation, subject to compliance with Sections 301.5, 410 and the following: 36 1. The home occupation shall be operated by a resident or employee of a resident of the property on which the business is located. 2. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located. | Added missing portion of X.07H. See X.07H below for details. |
| *H. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection X.04 B.* | 301.3.H. 301.3 H. Dog kennel. New dog kennels are not permitted on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval is subject to compliance with Section 301.5 and findings that the kennel will have a minimal adverse impact on abutting properties and the surrounding area. | Modified use to clarify and include “dog training classes or testing trials that can’t be established elsewhere”. |
| *I. An aerial fireworks display business that has been in continuous operation at its current location since December 31, 1986, and possesses a wholesaler’s permit to sell or provide fireworks. [This use should only be listed for counties that have such a use]* | Doesn’t Exist | Use does not exist. No change. |
| *J. 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.* | 301.3.O. A landscaping 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. | Modified to specify “contracting” and added subject to 301.5. |
| *K. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection X.04 A, but excluding activities in conjunction with a marijuana crop, and subject to X.07 J.* | 301.3.C. Commercial activity in conjunction with farm use, except those activities related to marijuana, including the processing of farm crops into biofuel not otherwise permitted as a farm use as defined in Section 105 or as a facility for processing farm crops or the production of biofuel under Section 301.2(S). Approval is subject to compliance with Section 301.5. A commercial activity is considered in conjunction with a farm use when any of the following criteria are met: 1. The commercial activity is either exclusively or primarily a customer or supplier of farm uses; 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. | Added missing portion of X.07J(3). See X.07J for details. |
| *L. Guest ranch subject to Subsection X.07 I* | 301.4.F. 301.4 F. Guest ranch. “Guest ranch” means a facility for overnight guest lodging units, including passive recreational activities and food services as set forth in this section, that are incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. “Guest lodging unit” means guest rooms in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence. An application for a guest ranch must be submitted before January 2, 2010 when Chapter 728, Oregon Laws 1997 is repealed, unless that law is extended. Approval of a guest ranch is subject to the following: 1. The guest ranch shall be in conjunction with an existing and continuing livestock operation, using accepted livestock practices. “Livestock” means cattle, sheep, horses and bison. 2. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres and is not high-value farmland; 3. The guest ranch shall be located on the parcel containing the dwelling of the person conducting the livestock operation. 43 4. The guest lodging units cumulatively shall include not less than 4 nor more than 10 overnight guest lodging units, and shall not exceed a total of 12,000 square feet of building floor area excluding the kitchen area, rest rooms, storage and other shared indoor space. However, for each doubling of the initial 160 acres required under subsection (1), up to 5 additional overnight guest lodging units not exceeding a total of 6,000 square feet of building floor area may be added to the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of building floor area. 5. The guest ranch may provide 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 or swimming. Intensively developed recreational facilities, such as golf courses, shall not be allowed. A campground as described in Section (C) shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course under Section (D) or with an existing campground. 6. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the 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. 7. A proposed division of land for a guest ranch, or to separate a guest ranch from the dwelling of the person conducting the livestock operation, shall not be approved. | Added standards from X.07I(2). See X.07I for details.  Updated 301.4.F.2 and 3 with X.07I(3)(c). Renumbered subsequent subsections  Updated reference in 301.4.F.3 (new), to reference 301.4.F.2 (new) |
| *M. 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.* | 301.4.J. 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 allowed by Section 301.2(I). Approval is subject to compliance with Section 411. | Renumbered use. No other changes. |
| *N. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.* | 301.4.K. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and subsurface resources. Aggregate sites that have been reviewed under the procedures in OAR 660-023-0180(3) and (5) are not subject to compliance with the criteria in Sections 301.5 and 602. Approval of all operations under this section are subject to compliance with Section 411 and the following: 1. County approval is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre. 2. A permit for mining may be approved only for a site included in the Comprehensive Plan Inventory of significant Mineral and Aggregate Resources. 3. No part of the operation may occur on any portion of the parcel that is high-value farmland. | Renumbered use. No other changes. |
| *O. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to X.07 K.* | 301.4 L. Operations conducted for processing of aggregate into asphalt or Portland cement. Approval is subject to compliance with Section 411 and the following: 1. The use is not allowed within two miles of a planted vineyard. “Planted vineyard” means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed. 2. No part of the operation may occur on any portion of the parcel that is high-value farmland. | Renumbered use. No other changes. |
| *P. Processing of other mineral resources and other subsurface resources.* | 301.4.M. Operations conducted for processing of other mineral and subsurface resources, subject to compliance with Section 411. No part of the operation may occur on any portion of the parcel that is high-value farmland. | Renumbered use. No other changes. |
| *Q. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.* | 402.3.C. Reconstruction or modification of public roads and highways where no removal or displacement of buildings would occur, or no new land parcels result, including the following: 1. The addition of climbing and passing lanes within the right-of-way existing as of July 1, 1987. 2. Widening of roads that does not include the addition of travel lanes. 3. The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way. | No changes. |
| *R. 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.* | 402.3.C. Reconstruction or modification of public roads and highways where no removal or displacement of buildings would occur, or no new land parcels result, including the following: 1. The addition of climbing and passing lanes within the right-of-way existing as of July 1, 1987. 2. Widening of roads that does not include the addition of travel lanes. 3. The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way. | No changes. |
| *S. 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.* | Not found. | APG recommends this be added to Section 402.3. |
| T. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065. | Not found. | Added as 301.4(U). |
| *U. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection X.07 M.* | 301.4 G. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. “Personal use airport” means an airstrip 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. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Dept. of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Dept. of Aviation. | No changes. |
| *V. Transmission towers over 200 feet in height.* | 301.4.I. Transmission towers over 200 feet in height. Approval is subject to compliance with Section 427. | Renumbered use. No other changes. |
| *W. 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 X.16 A.* | 301.4. H. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4, or more than 12 acres if the land is 44 high-value farmland. For purposes of this rule 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. A proposal for a wind power generation facility shall be subject to the following provisions: 1. For high-value farmland soils described at ORS 195.300(10), the County 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: (i) Technical and engineering feasibility; (ii) Availability of existing rights of way; and (iii)The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Section 301.4(H)(2). 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 Section 301.4(H)(1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary. d. The owner of a wind power generation facility approved under this section 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. e. The criteria of Section 301.4(H)(2) are satisfied. 2. For 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: 45 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; and 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; and 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. 3. For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of Section 301.4(H)(2)(d) are satisfied. 4. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Section 301.4(H)(2) and (3) the approval criteria of Section 301.4(H)(2) shall apply to the entire project. | Added language relating to “not including wind power generation facilities or photovoltaic solar power generation facilities.” |
| *X. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection X.16 B.* | See above: #4 | See X.16B for details. |
| *Y. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection X.16 C.* | Section 433 All photovoltaic facilities shall meet the requirements of OAR 660-033-130(38), are a conditional use subject to Chapter 6 Conditional Use, and all other applicable criteria for the development under the Jefferson County Zoning Ordinance. | Added as 301.4(J). Renumbered subsequent uses. See X.16 for details. |
| *Z. 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 X.07 R. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection X.07 BB.* | 301.4.O. O. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the DEQ together with equipment, facilities or building necessary for its operation. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. The Planning Commission shall make a recommendation to the Board of Commissioners as to whether the conditional use permit should be approved. The Board of Commissioners shall make the final decision on whether to approve the permit after holding a public hearing in accordance with the procedures in Section 903.6. | Renumbered use. Added discretionary standards from X.07R. |
| *AA. 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 X.07 Q. This use is not permitted on high-value farmland except that existing facilities on high-value farmland may be expanded subject to Subsection X.07 BB.* | 301.4.N. Composting facilities for which a permit has been granted by the DEQ under ORS 459.245 and OAR 340-96-020. Composting facilities are not allowed on highvalue farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Except for those composting facilities that are a farm use as defined in OAR 660-033-0020(7), composting facilities on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2), or (3). 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. | Renumbered use. Updated OAR references. Added discretionary standards from X.07Q |
| BB. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306. | 301.3.N. On-site filming and accessory activities for more than 45 days. Approval is subject to compliance with Section 301.5 and the following: 1. Approval under this Section is required when on-site filming and accessory activities will involve: (1) activities for more than 45 days on any site within a one-year period; or (2) erection of sets that will remain in place longer than 45 days. 2. The use includes: a. Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming; b. Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. 3. The use does not include: a. Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or b. Construction of new structures that requires a building permit. 4. When approved under this Section, these activities may include office administrative functions such as payroll and scheduling, and the use of 38 campers, truck trailers, or similar temporary facilities. Such temporary facilities may be used as temporary housing for security personnel. | No change. |
| *CC. Living history museum as defined in Section X.02 and subject to Subsections X.07 T and X.07 Z.* | 301.3 M. Living history museum. Approval is subject to compliance with Section 301.5. “Living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. 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 are 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 Board of Commissioners and organized under ORS Chapter 65. | Modified to include a subsection with standards from X.07Z. |
| *DD. 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 X.07 U and X.07 Z.* | 301.3. K. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. Approval is subject to compliance with Section 301.5. | Added standards from X.07U and X.07Z to use. |
| *EE. Public parks and playgrounds subject to Subsections X.07 V and X.07 Z.* | 301.4. B. Parks and playgrounds. The use is not allowed on any portion of a parcel that is high-value farmland unless an exception to applicable statewide planning goals is approved, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract. A public park may be established consistent with the provisions of ORS 195.120, and m |  |
| *FF. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210. [This use should only be listed if the use already exists in the county.]* | Doesn’t Exist | Use does not exist. No changes. |
| GG. A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135. [This use should only be listed for Lane and Washington Counties, where such a use already exists.] | Not found in 301. | Added as 301.4(V). |
| *HH. Operations for the extraction and bottling of water.* | 301.3. F. Operations for the extraction and bottling of water from a natural water source on the parcel where the operation will occur. Approval is subject to compliance with Section 301.5. | No changes made. |
| *II. 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 X.07 Z. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections X.07 W and X.07 BB.* | 301.3. I. Public or private schools, including all buildings essential to the operation of a school, subject to the following: 1. New schools are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. 2. Public or private schools and school facilities shall not be approved within three miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved. 3. For the purposes of this Section, “public and private schools” means schools providing elementary and secondary education only, and does not include adult career education, colleges or universities. | Added missing discretionary language related to “primarily for residents of the rural area in which the school is located.”  Modified subsection 2 with X.07Z.  Added standards from X.07W. |
| *JJ. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections X.07 X and X.07 Z. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection X.07 BB.* | 301.4. C. Private parks, playgrounds and hunting and fishing preserves. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, , enhanced or expanded on the same tract, subject to other requirements of law.  301.4.D. Private Campground. New campgrounds are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval of a campground is subject to the following: | Added ugb expansion restrictions from X.07Z to 301.4.C and 301.4.D. |
| *KK. Golf courses as defined in Section X.02 and subject to Subsections X.07 Y and X.07 Z. 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 X.07 BB.* | 301.4.E. Golf course. New golf courses are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Expansion of an existing golf course shall comply with all of the requirements of this section, but shall not be expanded to contain more than 36 total holes. “Golf course” means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 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 the purposes of this section means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following: 1. A regulation 18-hole golf course is generally characterized by a site of approximately 120 to 150 acres of land, with a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes. 2. A regulation 9-hole golf course is generally characterized by a site of approximately 65 to 90 acres of land, with a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes. 3. Non-regulation golf courses are not allowed. “Non-regulation golf course” means a golf course or golf course-like development that does not meet the definition of golf course in sections (1) and (2) above, including but not limited to executive golf courses, Par three (3) golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges. 4. Accessory uses provided as a part of a golf course shall be limited to those uses consistent with all of the following: a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either 42 necessary for the operation and maintenance of the golf course or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners’ course as part of an 18-hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing, such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing. b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to play golf. An accessory use that provides commercial service (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment. | No changes |
| **X.07 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. | 301.3. S. Facility for processing farm crops, including marijuana production, or the production of biofuel. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage, or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. | Updated 301.3 with MZ language. Included “including marijuana production” from existing County code. |
| B. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section X.02 . 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. | 301.3. A. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill, or other similar methods of initial treatment of a forest product in order to enable its shipment to 32 market. Approval is subject to compliance with Section 301.5 and the following: 1. The timber being processed shall be grown on the parcel where the processing facility is located or on contiguous land. 2. The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 105. 3. The facility must be intended to be only portable or temporary in nature. 4. The facility may be approved for a one-year period, which is renewable. | No change. |
| C. To qualify for a relative farm help dwelling: | See below. | No change. |
| (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. | 301.6.F.2. The dwelling will be occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, step sibling, niece, nephew or first cousin of either;  3. The farm operator does or will require the assistance of the relative in the management of the existing commercial farming operation; and  4. The farm operator will continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. | No change. |
| (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. | 301.6.F.1. The dwelling will be located on the same lot or parcel as the dwelling of the farm operator; | No change. |
| D. A temporary hardship dwelling is subject to the following: | See below. | See below. |
| (1) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following: | 301.6. L. Temporary Medical Hardship Dwelling One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to the requirements of Section 422.3 and compliance with the approval criteria in Section 301.5. | No change |
| (a) The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required; | 422.3.A.3. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling if the County Sanitarian determines that the system is adequate to accommodate the additional dwelling. If the County Sanitarian determines that an additional septic system must be installed, a condition of approval will require that one of the septic systems be decommissioned when the hardship is over. | No change. |
| (b) The county shall review the permit authorizing such manufactured homes every two years; and | 422.3. B. A temporary medical hardship dwelling shall be authorized for a period not to exceed two years from the date of initial approval. The authorization may be renewed for additional two year periods provided that all requirements of the original approval continue to be met and a letter from a physician is submitted stating that the person with the hardship continues to require care and assistance. | No change. |
| (c) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. | 422.3.C. Within three months of the end of the hardship, the temporary manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. However, a temporary manufactured home or existing building that has been converted to residential use may become the permanent residence if the formerly permanent dwelling is remove or demolished within three months of the end of the hardship and any requirements for replacement dwellings are met. “End of the hardship” means the person with the hardship no longer resides on the property or no longer requires care and assistance. | No change. |
| (2) A temporary residence approved under this Section is not eligible for replacement under Subsection X.05 G. Department of Environmental Quality review and removal requirements also apply. | Not found. | Added to 301.6(L) |
| (3) As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons. | 422.3.A.1. The temporary medical hardship dwelling will be occupied by a relative of the existing resident of the property, if the relative suffers from a medical hardship, or by a caregiver for the existing resident, if the resident suffers from the hardship. “Relative” includes a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin. “Hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons. | No change. |
| E. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows: | Not found in 301 | Added as new use in 301.4(V) |
| (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 | Not found in 301 | Added as new use in 301.4(V) |
| (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. | Not found in 301 | Added as new use in 301.4(V) |
| F. A farm stand may be approved if: | See below | See below. |
| (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 | 301.2.C.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 incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of 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 | No change. |
| (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. | 301.2.C.2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings, or public entertainment. | No change. |
| (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. | 301.2.C.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; “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; “local agricultural area” includes Oregon. | No change. |
| (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. | See above | No change. |
| (5) As used in this Section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located. | See above | No change. |
| (6) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts. | C. Farm Stand, except for any marijuana retailing or promotion of marijuana use or business, provided: | No change. |
| *(7) Farm Stand Development Standards*  *(a) Adequate off-street parking will be provided pursuant to provisions of the County [Off-Street Parking and Loading Ordinance or appropriate cross-reference to applicable ordinance requirements].*  *(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 [Road] Department regarding adequate egress and access. All egress and access points shall be clearly marked.*  *(f) Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed [three (3) feet] in height within “vision clearance areas” at street intersections. [Alternative: This provision may be replaced with a cross-reference to adopted county clear-vision standards.]*  *(i) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points [twenty (20) feet] from their intersection.*  *(ii) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.*  *(iii) Trees exceeding [three (3) feet] in height may be located in this area, provided all branches and foliage are removed to a height of [eight (8) feet] above grade.*  *(g) All outdoor light fixtures shall 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.*  *(h) Signs are permitted consistent with [reference to applicable county sign ordinance]* | Not found in Section 301. | Added as 301.2(C)(4). |
| *(8) Permit approval is subject to compliance with the County [Sanitation Department/Sanitation Ordinance] or Department of Agriculture requirements and with the development standards of this zone.* | Not found in Section 301. | Added as 301.2(C)(5). |
| G. A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to X.07 Z. [This use should only be listed for counties that have completed mapping of lands for destination resorts as provided in Goal 8 and ORS 197.435–197.467.] | Not found in Section 301. | Added to 301.4(R) (renumbered). |
| H. Home occupations: | Section 410.1 | No change. |
| (1) A home occupation shall: |  |  |
| (a) Be operated by a resident or employee of a resident of the property on which the business is located; | 301.3.G.1 The home occupation shall be operated by a resident or employee of a resident of the property on which the business is located. | No change. |
| (b) Employ on the site no more than five full-time or part-time persons at any given time; | 410.2.G. The home occupation will be conducted by the residents of the property. The home occupation will employ no more than one additional employee if the property is in a residential zone, or no more than five additional employees if the property is in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone. Employees or contractors who work off-site and do not come to the property to park, pick up equipment or materials or for any other work-related reason will not be counted toward the number of employees that are allowed. | No change. |
| (c) Be operated substantially in:  (i) The dwelling; or  (ii) Other buildings normally associated with uses permitted in the zone in which the property is located, *except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.* | 410.2.A. The home occupation will be secondary to the main use of the property as a residence. It will be operated substantially in the dwelling or in an accessory building on the same property. | No change. |
| (d) Not unreasonably interfere with other uses permitted in the zone in which the property is located. | 301.3.G.2 The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located. | No change. |
| (e) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section X.14 and is operated in association with the winery:  (i) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and  (ii) The meals may be served at the bed and breakfast facility or at the winery. | Not found in Section 301 | Added to 301.3(G) |
| *(f) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.* | 410.2.D D. The home occupation will be completely conducted within an enclosed building. There will be no outside storage of materials or supplies or display of goods. | No change. |
| *(g) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.* | 410.2. C. The home occupation will be conducted in a manner that will not cause the generation/emission of sounds, noises, fumes, glare, or vibrations, using normal senses and taking measurements from any lot line of the parcel. Electrical or mechanical equipment that creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation is prohibited. | No change. |
| *(h) All off-street parking must be provided on the subject parcel where the home occupation is operated.* | 410.2. F. The home occupation will not result in more than five additional vehicles parking at the site at any given time. Any needed parking space shall be off-street in a location other than in a required front setback | No change. |
| *(i) Employees must use an approved off-street parking area.*  *(ii) Customers visiting the home occupation must use an approved off-street parking area. No more than [2-5] vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.* | Not found | Added as 301.3(G)(4) |
| *(i) [One (1) or more] signs, up to a total of [32 square feet in area], are permitted.* | Not found | Added as 301.3(G)(5) and referenced Sectio 406. |
| *(j) Retail sales shall be limited or accessory to a service. [Alternative: Activity may be listed under prohibited home occupations.]* | 410.2. H. Retail sales will be limited to items that are accessory to a service being provided. Retail sales of seasonal items will be limited to the appropriate season of the year. | No change. |
| *(k) Prohibited Home Occupations*  *(i) Retail sale of a product on the premises. [Alternative: “Retail sales or professional services, other than by appointment only.”]*  *(ii) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).* | Not found | Added as 301.3(G)(6) |
| *(2) Permitting.*  *(a) Home occupations shall be subject to a conditional use permit process, pursuant to [local ordinance citation], unless all of the requirements of X.07 H(1)(e)(ii) can be met.*  *(b) An in-home commercial activity is not considered a home occupation and does not require a land use permit where all of the following criteria can be met. The in-home activity:*  *(i) Meets the criteria under X.07 H(1)(c), (d), (f), and (g).*  *(ii) Is conducted within a dwelling only by residents of the dwelling.*  *(iii) Does not occupy more than [25 percent] of the combined floor area of the dwelling including attached garage and one accessory structure.*  *(iv) Does not serve clients or customers on-site.*  *(v) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage.*  *(vi) Does not include the outside storage of materials, equipment or products.* | Section 410 | No change. |
| I. A guest ranch must compy with the following provisions: | 301.4.F Guest Ranch | See below. |
| (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. | F. Guest ranch. “Guest ranch” means a facility for overnight guest lodging units, including passive recreational activities and food services as set forth in this section, that are incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. “Guest lodging unit” means guest rooms in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence. An application for a guest ranch must be submitted before January 2, 2010 when Chapter 728, Oregon Laws 1997 is repealed, unless that law is extended. Approval of a guest ranch is subject to the following:  1. The guest ranch shall be in conjunction with an existing and continuing livestock operation, using accepted livestock practices. “Livestock” means cattle, sheep, horses and bison. | No change. |
| (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. | Not found in Section 301. | Added as 301.4(F)(7) (new) |
| (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. | 2. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres and is not high-value farmland; | Updated standards to include (b) and (c). Reformatted and renumberd subsequent subsections. |
| (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. | 4. The guest lodging units cumulatively shall include not less than 4 nor more than 10 overnight guest lodging units, and shall not exceed a total of 12,000 square feet of building floor area excluding the kitchen area, restrooms, storage and other shared indoor space. However, for each doubling of the initial 160 acres required under subsection (1), up to 5 additional overnight guest lodging units not exceeding a total of 6,000 square feet of building floor area may be added to the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of building floor area. | Renumberd subsection. No other changes. |
| (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. | 4. The guest lodging units cumulatively shall include not less than 4 nor more than 10 overnight guest lodging units, and shall not exceed a total of 12,000 square feet of building floor area excluding the kitchen area, restrooms, storage and other shared indoor space. However, for each doubling of the initial 160 acres required under subsection (1), up to 5 additional overnight guest lodging units not exceeding a total of 6,000 square feet of building floor area may be added to the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of building floor area. | Renumberd subsection. No other changes. |
| (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. | 5. The guest ranch may provide 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 or swimming. Intensively developed recreational facilities, such as golf courses, shall not be allowed. A campground as described in Section (C) shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course under Section (D) or with an existing campground. | Renumberd subsection. No other changes. |
| (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. | 6. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the 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. | Renumberd subsection. No other changes. |
| (8) The governing body of a county or its designee may not allow a guest ranch in conjunction with:  (a) A campground  (b) A golf course | 5. The guest ranch may provide 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 or swimming. Intensively developed recreational facilities, such as golf courses, shall not be allowed. A campground as described in Section (C) shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course under Section (D) or with an existing campground. | Renumberes subsection. No other changes. |
| (9) 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. | 7. A proposed division of land for a guest ranch, or to separate a guest ranch from the dwelling of the person conducting the livestock operation, shall not be approved. | Renumberes subsection. No other changes. |
| *J. Commercial activities in conjunction with farm use may be approved when:* | See below. | See below. |
| *(1) The commercial activity is either exclusively or primarily a customer or supplier of farm products;* | 301.3.C.1. 1. The commercial activity is either exclusively or primarily a customer or supplier of farm uses; | No change. |
| *(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* | 301.3.C. 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 | No change. |
| *(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.* | 301.3.C.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. | Added “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.” to standard |
| K. 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. | 301.4 L. Operations conducted for processing of aggregate into asphalt or Portland cement. Approval is subject to compliance with Section 411 and the following: 1. The use is not allowed within two miles of a planted vineyard. “Planted vineyard” means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed. 2. No part of the operation may occur on any portion of the parcel that is high-value farmland. | No change. |
| L. Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following: | See below. | See below. |
| (1) A land use permit is required for mining more than one thousand (1,000) cubic yards of martial or excavation preparatory to mining of a surface area of more than one (1) acre. | 301.4.K Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and subsurface resources. Aggregate sites that have been reviewed under the procedures in OAR 660-023-0180(3) and (5) are not subject to compliance with the criteria in Sections 301.5 and 602. Approval of all operations under this section are subject to compliance with Section 411 and the following:  301.4.K.1. County approval is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre. | No change. |
| (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 [comprehensive plan/natural resource plan]. | 301.4.L.K.2. A permit for mining may be approved only for a site included in the Comprehensive Plan Inventory of significant Mineral and Aggregate Resources. | No change. |
| M. 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. | 301.4 G. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. “Personal use airport” means an airstrip 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. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Dept. of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Dept. of Aviation. | No change. |
| N. 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. | 301.3 E. Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation, subject to a determination by DEQ that the application rates and site management practices for the land application ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract. 1. Uses allowed under this Section include: a. The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application. b. The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment that are accessory to and reasonably necessary for the land application to occur on the subject tract; and c. The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application 34 occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within: i. A public right-of-way; orii. Other land if the landowner provides written consent and the owner of the facility is 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; and 2. Uses not allowed under this Section include: a. The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or b. The establishment and use of utility facility service lines allowed under Section 301.2(M). 3. If the Planning Director’s decision to allow the use is appealed, prior to the County making a final decision the applicant shall explain in writing how any alternatives identified in public comments were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives. A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives. 4. The use of a tract on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred may not be changed to allow a different use unless: a. The tract is within an acknowledged urban growth boundary; b. The tract is rezoned to a zone other than EFU A-1, EFU A-2 or RL; c. The different use of the tract is a farm use as defined in Section 105; or d. The different use of the tract is a use allowed under ORS 215.283(1)(c), (e), (f), (k) to (o) | Replaced with MZ standards. |
| O. 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. | 301.2.L1. A public right-of-way;  301.2.L.2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or  301.2.L.3. The property to be served by the utility. | No change. |
| P. A utility facility that is necessary for public service. | 301.3.Q. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. Approval is subject to the following. Approval of a wireless communication tower is also subject to the requirements of Section 427: | Added “associated transmission lines as defined in X.02.”  Added missing standards from X.07.Q(1)(e).  Added missing standards from X.07Q(2).  Reorganized standards. |
| (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. | 301.3.Q.1. A utility facility is necessary for public service if the facility must be sited in the EFU A-1, EFU A-2 or RL zone in order to provide the service. 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 the EFU A-1, EFU A-2 or RL zone due to one or more of the following factors: | See above. |
| (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: | See Above | See above. |
| (i) Technical and engineering feasibility;  (ii) 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;  (iii) Lack of available urban and nonresource lands;  (iv) Availability of existing rights of way;  (v) Public health and safety; and  (vi) Other requirements of state and federal agencies. | 301.3.Q.1. a. Technical and engineering feasibility;  301.3.Q.1. b. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;  301.3.Q.1. c. Lack of available urban and non-resource lands;  301.3.Q.1. d. Availability of existing rights-of-way;  301.3.Q.1. e. Public health and safety; and  301.3.Q.1. f. Other requirements of state and federal agencies. | Renumbered. |
| (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. | 301.3.Q. 2. Costs associated with any of the factors listed in subsection (1) above 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. | Renumbered. |
| (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. | 301.3.Q. 3. The owner of a utility facility approved under this Section 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. | Renumbered. |
| (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. | 301.3.Q. 4. The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding agricultural lands. | Renumbered. |
| (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 Subsection X.08 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. | 301.3.Q. | Added to 301.3(Q)(1) |
| (f) In addition to the provisions of Subsection X.07 P(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. | 301.3.Q. 5. In addition to the provisions of subsections (1) to (4) above, the establishment or extension of a sewer system as defined by OAR 660-011- 0060(1)(f) shall be subject to the provisions of OAR 660-011-0060. | Renumbered |
| (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. | 301.3.Q. 6. The provisions of this Section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission. | Renumbered |
| (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. | Doesn’t exist | Added as 301.3(Q)(2) |
| (a) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:  (i) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;  (ii) The associated transmission line is co-located with an existing transmission line;  (iii) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or  (iv) 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. | Doesn’t exist | Added as 301.3(Q)(2) |
| (b) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections X.07 P(2)(c) and (d), two or more of the following criteria:  (i) Technical and engineering feasibility;  (ii) 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;  (iii) 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;  (iv) Public health and safety; or  (v) Other requirements of state or federal agencies. | Doesn’t exist | Added as 301.3(Q)(2) |
| (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. | Doesn’t exist | Added as 301.3(Q)(2) |
| (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. | Doesn’t exist | Added as 301.3(Q)(2) |
| Q. 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 X.07 BB. | 301.4.N. Composting facilities for which a permit has been granted by the DEQ under ORS 459.245 and OAR 340-96-020. Composting facilities are not allowed on highvalue farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Except for those composting facilities that are a farm use as defined in OAR 660-033-0020(7), composting facilities on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2), or (3). 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. | Updated OAR references. |
| *(1) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:*  *(a) Meets the requirements of OAR 340-096-0150;*  *(b) Identifies the distance of the proposed operation to the nearest residential zone;*  *(c) Includes a complaint response protocol;*  *(d) Is submitted to the DEQ with the required permit application; and*  *(e) May be subject to annual review by the county to determine if any revisions are necessary.* | Doesn’t Exist | Added discretionary standards to 301.4.N (renumbered). |
| *(2) Compost operations subject to Section X.07 Q(1) include:*  *(a) A new disposal site for composting that sells, or offers for sale, resulting product; or*  *(b) An existing disposal site for composting that sells, or offers for sale, resulting product that:*  *(c) Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or*  *(d) Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.* | Doesn’t Exist | Added discretionary standards to 301.4.N (renumbered). |
| *R. 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 X.08 and shall comply with the following requirements.* | 301.4.O. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the DEQ together with equipment, facilities or building 47 necessary for its operation. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. The Planning Commission shall make a recommendation to the Board of Commissioners as to whether the conditional use permit should be approved. The Board of Commissioners shall make the final decision on whether to approve the permit after holding a public hearing in accordance with the procedures in Section 903.6. | No change. |
| *(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.* | Doesn’t Exist | Added discretionary standards to use. |
| *(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.* | Doesn’t Exist | Added discretionary standards to use. |
| *(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.* | Doesn’t Exist | Added discretionary standards to use. |
| *(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.* | Doesn’t Exist | Added discretionary standards to use. |
| *(5) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.* | Doesn’t Exist | Added discretionary standards to use. |
| *(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.* | Doesn’t Exist | Added discretionary standards to use. |
| *(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.* | Doesn’t Exist | Added discretionary standards to use. |
| *(8) Hours of operation for the facility shall be limited to [8 am – 7 pm].* | Doesn’t Exist | Added discretionary standards to use. |
| *(9) Comply with other conditions deemed necessary.* | Doesn’t Exist | Added discretionary standards to use. |
| S. 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. | 301.2.N. N. A site for the takeoff and landing of model aircraft, including such buildings or facilities as are reasonably necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility existed prior to establishment of the takeoff and landing site. The site shall not include an aggregate surface or hard surface area unless the surface existed prior to establishment of the takeoff and landing site. 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 controlled by radio, lines, or design by a person on the ground. | Added missing MZ standards from X.07S. Added drones to definition of model aircraft |
| T. 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. | 301.3 M. Living history museum. Approval is subject to compliance with Section 301.5. “Living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. 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 are 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 Board of Commissioners and organized under ORS Chapter 65. | Modified to include standards in a subsection along with standards from X.07Z. |
| U. 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. | 301.3.K. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. Approval is subject to compliance with Section 301.5. | Added standards from X.07U to use. |
| V. Public parks may include: | 301.4. B. Parks and playgrounds. The use is not allowed on any portion of a parcel that is high-value farmland unless an exception to applicable statewide planning goals is approved, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract. A public park may be established consistent with the provisions of ORS 195.120, and may include only the uses specified under OAR 660-034-0035 or 660-034-0040. | Updated use to include restriction on expansion near UGBs (X.07Z) |
| (1) All outdoor recreation uses allowed under ORS 215.213 or 215.283. | Doesn’t Exist |  |
| *(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).* |  | No change. |
| W. 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 X.08 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. | 301.3. I. Public or private schools, including all buildings essential to the operation of a school, subject to the following: 1. New schools are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. | Added standards from X.07W to use. |
| X. Private Campgrounds are subject to the following: | 301.4 D. Campground. New campgrounds are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval of a campground is subject to the following: | Updated use specify “private.” |
| (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. | 301.4.D 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.  4. A campground shall be designed and integrated into the rural agriculture 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 authorized in this zone shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations. | No change. |
| (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). | 301.4.D.5. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (6) below. 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 (6) month period.  6. 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. | No change. |
| (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. | Campground: An area consisting of a minimum of three (3) acres with no more than ten (10) spaces per acre and designed for short-term overnight use for vacation, recreational or emergency purposes but not for residential purposes. A campground shall not include campsite utility hook-ups, intensively developed recreational uses such as swimming pools or tennis courts, or commercial activities such as retail stores or gas stations. Spaces for tents, campers, and recreational vehicles are allowed. No more than one-third, or a maximum of ten campsites, whichever is smaller, may include a yurt. | No change. |
| Y. Accessory uses provided as part of a golf course shall be limited consistent with the following standards: | 301.4.E.4. Accessory uses provided as a part of a golf course shall be limited to those uses consistent with all of the following: | No change. |
| (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; | 301.4.E.4.a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either 42 necessary for the operation and maintenance of the golf course or that provides goods and 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 | No change. |
| (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 | 301.4.E. b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to play golf. An accessory use that provides commercial service (e.g., food and beverage service, pro shop, etc.) shall b | No change. |
| (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. | 301.4.E. c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment. | No change. |
| Z. 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. | Multiple Uses | Added to the following uses:   * 301.3(I) – Public or private schools * 301.3(J) – Churches and cemeteries * 301.3(K) – Community centers * 301.3(M) – Living history museum * 301.4(B) – Public parks and playgrounds * 301.4(C) – Private parks, playgrounds, and hunting and fishing preserves * 301.4(D) – Private campgrounds |
| AA. 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. | 301.6 Dwellings A dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed standards and criteria and any other applicable requirements of this ordinance. The County Assessor will be notified when a dwelling is approved. A condition of approval will require that the landowner 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. | No change. |
| BB. 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 X.06 KK and Section X.08 . | Multiple Uses   * 301.3(H) – Commercial dog boarding kennel * 301.3(I) – Public or private schools * 301.3(J) – Churches and cemeteries * 301.4(C) – Private parks, playgrounds, and hunting and fishing preserves * 301.4(D) – Private campgrounds * 301.4(E) – Golf courses * 301.4(P) (renumbered) – Composting facilities * 301.4(Q) (renumbered) – Solid waste disposal facilities | Added to the following uses:   * 301.4(R) (renumbered) – Destination resorts |
| **X.08 Conditional Use Review Criteria** |  |  |
| An applicant for a use permitted in Section X.06 must demonstrate compliance with the following criteria [and any other conditional use criteria adopted by the county.] | 301.5 Approval Criteria Uses listed in Section 301.4 and specified uses in Section 301.3 may be approved only where the use: | No change. |
| 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 | 301.5.A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and | No change. |
| B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. | 301.5.B. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. | No change. |
| *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 use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;*  *(2) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;*  *(3) 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;*  *(4) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and*  *(5) The use is or can be made compatible with existing uses and other allowable uses in the area.* | This universal EFU application is not present in the Zoning Ordinance | Added discretionary standards to 301.5 |
| **X.09 Dwellings Customarily Provided in Conjunction with Farm Use** |  |  |
| A. Large Tract Standards. On land not identified as high-value farmland as defined in Section X.02 , a dwelling may be considered customarily provided in conjunction with farm use if: | 301.6.A. “Large Tract” Farm Dwelling On land not identified as high-value farmland a dwelling shall be considered customarily provided in conjunction with farm use if: | No change. |
| (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 | 301.6.A. 1. The parcel on which the dwelling will be located is at least 160 acres if in the EFU A-1 or EFU A-2 zone or 320 acres if in the Range Land zone; | No change. |
| (2) The subject tract is currently employed for farm use. | 301.6.A. 2. The subject tract is currently employed for farm use, as defined in Section 105; | No change. |
| (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. | 301.6.A. 3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and | No change. |
| (4) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract. | 301.6.A. 4. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract. | Updated to with language related to “approved prior to 2001.” |
| 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: | 301.6.B |  |
| (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: | 301.6.B A dwelling may be considered customarily provided in conjunction with farm use if:  1. The subject tract is currently employed for the farm use, as defined in Section 105, at a level that produced in the last two years or three of the last five years one of the following: | Updated standard to include language related to “average of three of the last five years.” |
| (a) At least $40,000 in gross annual income from the sale of farm products; or | 301.6.1.B..a. a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or | No change |
| (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 | Not found. | Added to 301.6.B.1 |
| (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; | 301.6.B.3 Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation. “Farm or ranch operation” means 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 Section 105. | Updated to with language related to “approved prior to 2001.” |
| (3) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and | 301.6.B. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1); and | No change. |
| (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. | 301.6.B.4. In determining the gross income required by subsection (1), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. | No change. |
| 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: | See Above | No change. |
| (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 | 301.6.B.1.b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products. | No change. |
| (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 | 301.6.B.3 Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation. “Farm or ranch operation” means 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 Section 105. | No change. |
| (3) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); | 301.6.B. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1); and | No change. |
| (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. | 301.6.B.4. In determining the gross income required by subsection (1), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. | No change. |
| D. Farm Capability Standards. | 301.6.C Median Test Farm Dwelling | No change. |
| (1) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if: | On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if: | No change. |
| (a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract; | 301.6.C. 1. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; | No change. |
| (b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection (a); | 301.6.C. 2. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (1); | No change. |
| (c) The subject tract is currently employed for a farm use, , at a level capable of producing the annual gross sales required in Subsection (a); | 301.6.C.3. The subject tract is currently employed for a farm use, as defined in Section 105, at a level capable of producing the annual gross sales required in subsection (2), or, if no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of a farm use at a level capable of producing the required annual gross sales; | Updated reference to subsection (1). No other changes |
| (d) The subject lot or parcel on which the dwelling is proposed is not less than 20 acres; | 301.6.C.4. The subject lot or parcel on which the dwelling is proposed is not less than 20 acres; | No changes |
| (e) Except for seasonal farmworker housig approved prior to 2001, there is no other dwelling on the subject tract; | 301.6.C.5. Except for seasonal farmworker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; and | Updated to with language related to “approved prior to 2001.” |
| (f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and | 301.6.C. 6. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. | No changes |
| (g) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection (c). | 301.6.C.3. The subject tract is currently employed for a farm use, as defined in Section 105, at a level capable of producing the annual gross sales required in subsection (2), or, if no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of a farm use at a level capable of producing the required annual gross sales; | Updated reference to subsection (1). No other changes |
| (h) In determining the gross sales capability required by Subsection (c):  (i) The actual or potential cost of purchased livestock shall be deducted from the total gross sales attributed to the farm or ranch tract;  (ii) Only actual or potential sales from land owned, not leased or rented, shall be counted; and  (iii) Actual or potential gross farm sales earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used. | Not found. | Added to 301.6.C |
| (2) In order to identify the commercial farm or ranch tracts to be used in Subsection (a), the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c). | Not found. | Added to 301.6.C. Note, this should only be included if the county prepared the potential gross sales figures and received DLCD approval. |
| E. Additional Farm Income Standards.  (1) For the purpose of Subsections B or C, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in 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; | 301.6.B. Noncontiguous lots or parcels zoned for farm use in Jefferson, Deschutes, Crook, Wheeler or Wasco Counties may be used to meet the gross income required by subsection (1). If one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation has been used to comply with the gross farm income requirement, within 12 days of receiving a tentative approval the applicant shall provide evidence that irrevocable deed restrictions have been recorded with the county clerk of the county where the property subject to the deed declarations, conditions and restriction is located. The deed declarations, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary medical hardship dwellings or replacement dwellings on the lots or parcels that make up the farm or ranch operation or to use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling. The deed declarations, conditions and restrictions are irrevocable unless a statement of release is signed by the Planning Director. | No change |
| F. Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections B or C above, subject to the following requirements: | 1. The subject tract will be employed as a commercial dairy. A “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk: | Updated gross income requirements consistent with 301.6.B.1 |
| (1) The subject tract will be employed as a commercial dairy as defined in Subsection (7); | 1. The subject tract will be employed as a commercial dairy. A “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk: | Updated gross income requirements consistent with 301.6.B.1 |
| (2) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy; | 301.6.E.2. The dwelling will be sited on the same lot or parcel as the buildings required by the commercial dairy; | No change. |
| (3) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract; | 3. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; | Updated to with language related to “approved prior to 2001.” |
| (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; | 301.6.E 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; | No change. |
| (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 | 301.6.E 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 | No change. |
| (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. | 301.6.E 6. The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230 and a Producer License for the sale of dairy products under ORS 621.072. | No change. |
| (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. | 301.6.E. “Commercial Dairy” Farm Dwelling A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if: 1. The subject tract will be employed as a commercial dairy. A “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk: a. On land identified as high-value farmland, at least $80,000 in gross annual income; or b. On land not identified as high-value farmland, at least $40,000 in 51 gross annual income. | No change. |
| G. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if: | 301.6.D Relocated Farm Operation | See below. |
| (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; | 301.6.D.1. Within the previous two years, the applicant owned and operated a farm or ranch operation that earned in each of the last five years or four of the last seven years one of the following, whichever is applicable: a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products; | Updated language consistent with 301.6.B.1. No other changes. |
| (2) The subject lot or parcel on which the dwelling will be located is: | See below. |  |
| (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 | 301.6.D. 2. The subject lot or parcel on which the dwelling will be located is currently employed for farm use, as defined in Section 105, at a level that produced in the last two years or three of the last five years one of the following, whichever is applicable: a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products; | Updated language consistent with 301.6.B.1. No other changes. |
| (b) At least the size of the applicable minimum lot size under Section X.17 ; | 301.6.D.3. The subject lot or parcel on which the dwelling will be located is at least 80 acres in size if in the EFU A-1 or EFU A-2 zone or at least 160 acres if in the RL zone; | No changes. |
| (3) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract; | 301.6.D.4. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; and | Updated to with language related to “approved prior to 2001.” |
| (4) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and | 301.6.D.5. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1). | No change. |
| (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. | 301.6.D.6. In determining the gross income required by subsections (1) and (2), the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted. | No change. |
| H. Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling. | Marijuana production shall not be used to demonstrate compliance with the approval criteria for a dwelling, including “Large Tract”, “Income Test”, “Median Test”, “Relocated Farm Operation”, “Commercial Dairy”, “Accessory Farm Dwelling for a Relative, or “Accessory Farm” Dwellings. | No change. |
| **X.10 Accessory Farm Dwellings** |  |  |
| A. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements: | 301.6.G. G. Accessory Farm Dwellings A second or subsequent farm dwelling for year-round and seasonal farm workers may be allowed if each accessory farm dwelling meets all of the following: | Replaced with MZ language. |
| (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; | 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; | No change. |
| (2) The accessory farm dwelling will be located: |  |  |
| (a) On the same lot or parcel as the primary farm dwelling; | 301.6.G.4. a. On the same lot or parcel as the primary farm dwelling; or, | No changes |
| (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; | 301.6.G.4. b. On the same tract as the primary farm dwelling if the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other lots and parcels in the tract; or, | Updated to include “contiguous.” |
| (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; | 301.6.G.4. 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 home and a deed restriction is recorded with the County Clerk requiring that the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain on the land when the land is conveyed to another party if the dwelling is re-approved as a primary farm dwelling under Section 301.6(A), (B), (C), (D) or (E); or, | Replaced with MZ language |
| (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 | 301.6.G.4. d. On a lot or parcel on which the primary farm dwelling is not located, 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 farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. If approved under this subsection, a condition of approval will require that all accessory farm dwellings be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or | Added language related to the meaning of farmworker housing. |
| (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 | 301.6.G.4. 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 80 acres in size in the EFU A-1 or EFU A-2 zone or 160 acres in the Range Land zone and the lot or parcel complies with the gross farm income requirements of Section 301.6(B). | No change |
| (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. | 2. There is no other dwelling on 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 that could reasonably be used as an accessory farm dwelling; | No change. |
| B. In addition to the requirements in Subsection A, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following: | 3. The primary farm dwelling to which the proposed dwelling would be accessory is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 105, and that met one of the following: a. On l | No change |
| (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; | a. On land not identified as high-value farmland, the farm or ranch operation produced in the last two years or three of the last five years 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 | Replaced with MZ standards. |
| (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 | 301.6.G.3.b. On land identified as high-value farmland, the farm or ranch operation produced at least $80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or | Updated with language related to “average of three of last five years.” |
| (3) It is located on a commercial dairy farm as defined in SectionX.09 F(7); and | 301.6.G.3.c. It is located on a commercial dairy farm and: | No changes. |
| (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; | 301.6.G.3.c.i. 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; and | No changes. |
| (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 | 301.6.G.3.c. ii. The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to .230 and a Producer License for the sale of dairy products under ORS 621.072. | No changes. |
| (c) A Producer License for the sale of dairy products under ORS 621.072. | See above | No changes. |
| C. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Subsection X.17 A. | 301.6.G. 5. No land division may be approved for an accessory farm dwelling unless an application is made and approved converting the accessory farm dwelling to a primary farm dwelling under Section 301.6(A), (B), (C), (D) or (E), and both parcels satisfy the 80-acre or 160-acre minimum lot size requirement of Section 301.8. | No changes |
| D. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection X.05 E. | 301.6.G. 6. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a nonfarm dwelling under Section 301.6(I). | No changes. |
| E. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code. | 301.6.G.7. For the purposes of this Section, “accessory farm dwelling” includes all types of residential structures allowed by the applicable state building code. | No changes. |
| F. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling. | Doesn’t Exist | Added to 301.6.G |
| G. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. “Relative” means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator. | Doesn’t Exist | Added to 301.6.G |
| **X.11 Lot of Record Dwellings** |  |  |
| A. A lot of record dwelling may be approved on a pre-existing lot or parcel if: | 301.6.H.1. A dwelling may be approved subject to the following: | Updated with MZ language. |
| (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: | 301.6.H.1. a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner: | No changes. |
| (a) Since prior to January 1, 1985; or | 301.6.H.1.a. i. Since prior to January 1, 1985; or | No changes. |
| (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. | 301.6.H.1. ii. 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; | No changes. |
| (2) The tract on which the dwelling will be sited does not include a dwelling; | 301.6.H.1. b. The tract on which the dwelling will be sited does not include a dwelling; | No changes. |
| (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; | 301.6.H.1. c. If 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; | No changes. |
| (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; | 301.6.H. d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, Zoning Ordinance and other provisions of law; | No changes. |
| (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 | 301.6.H.1. e. The lot or parcel on which the dwelling will be sited is not highvalue farmland, except as provided in subsection (4) below; | Updated with reference to new standards |
| (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. | 301.6.H.1. f. When the lot or parcel on which the dwelling will be sited lies within a Wildlife Habitat Overlay Zone, the siting of the dwelling shall be consistent with the limitations on density upon which Section 321 is based; | No changes. |
| 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; | 301.6.H.1. g. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed; and | No changes. |
| C. Notwithstanding the requirements of Subsection X.11 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 Subsection X.02 U(1);  (3) The county hearings officer [planning director] 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.  (i) 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.  (ii) 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.  (iii) 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 X.08 ; 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 SubsectionX.12 C. | 301.6.H. 4. Applications for lot of record dwellings on high-value farmland will be forwarded directly to the Planning Commission for a public hearing. Notwithstanding the requirements of subsection (1)(e), a single-family dwelling may be sited on high-value farmland if it meets the other requirements of this section and the Planning Commission determines that:  301.6.H.4. 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. 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 demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of “extraordinary” circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, road, 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. 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;  301.6.H.4.b. The dwelling will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and  301.6.H.4. 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 Section 301.6(I)(2). | Replaced with MZ standards |
| D. Notwithstanding the requirements of Subsection X.11 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 Subsection X.02 U(1); 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. | Not found. | Added to 301.6.H with new subsection. Renumbered subsequent subsections |
| 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; | 301.6.H.2. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, sonin-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members. | No changes |
| F. The county assessor shall be notified that the governing body intends to allow the dwelling. | Not found. | Added to 301.6.H with new subsection. Renumbered subsequent subsections |
| 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. | 301.6.H. 3. When the County approves an application for a lot of record dwelling under this Section, the approval may be transferred by a person who has qualified under this Section to any other person after the decision is final. | No changes |
| 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. | 301.6.H. 5. The County shall provide notice of all applications for lot of record dwellings on high value farm land to the State Department of Agriculture at least 20 calendar days prior to the Planning Commission hearing. | No changes. |
| **X.12 Dwellings Not in Conjunction with Farm Use** |  |  |
| Non-farm dwelling. A non-farm dwelling is subject to the following requirements: | 301.6.I. Nonfarm Dwelling A single-family dwelling, not provided in conjunction with farm use, may be approved in the EFU A-2 zone or RL zone if the following standards are met. Nonfarm dwellings are not permitted in the EFU A-1 zone. | No change |
| 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; | 301.6.I.1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; | No change. |
| B. Non-farm dwelling suitability standards. | 301.6.I. |  |
| (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 | 301.6.I.2. The dwelling and all amenities to serve the dwelling, including but not limited to a driveway and septic system, will be situated upon a lot or parcel, or portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.  301.6.I. a. A lot or parcel, or portion of a lot or parcel, shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and | No change. |
| (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 | 301.6.I.2. b. A lot or parcel, or portion of a lot or parcel, is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel, or portion of a lot or parcel, can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, then the lot or parcel, or portion of the lot or parcel, is not “generally unsuitable.” A lot or parcel, or portion of a lot or parcel, is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel, or portion of a lot or parcel, is unsuitable for one farm use does not mean it is not suitable for another farm use; or | No change. |
| (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. | 301.6.I.2. c. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the parcel. 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 part of forestry operation, it is not “generally unsuitable.” If a lot or parcel is under forest 58 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; | No change. |
| 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; | 301.6.I. 3. 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 area, the cumulative impact of possible new nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. To address this standard, the applicant shall: | Added language related to if “the application involved the creation of a new parcel…” |
| (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; | 301.6.I.3. a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area; | No change. |
| (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 X.11 A and Section X.12 , 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(5). 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 | 301.6.I.3. b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved, 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 non-farm dwellings under Section 301.9(B) or (C). 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 non-farm dwelling under this subparagraph; and | Updated reference from 301.9(B) and (C) to ORS 215.263(4), ORS 215.263(5), and ORS 215.284(4) |
| (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 | 301.6.I.3. c. Determine whether approval of the proposed non-farm/lot-ofrecord dwellings, together with existing non-farm 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 non-farm 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 59 number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; | No change. |
| D. If a single-family dwelling is established on a lot or parcel as set forth in Subsection X.05 D [“lot of record” dwelling]), no additional dwelling may later be sited under the provisions of this Section. | 5. The lot or parcel on which the dwelling will be located does not contain a dwelling; and | Replaced with MZ language. |
| **X.13 Alteration, Restoration or Replacement of a Lawfully-established Dwelling** | 301.6. J. Replacement 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: | Alteration, restoration or replacement of a lawfully established dwelling may be approved subject to the following: | No change. |
| (1) The dwelling to be altered, restored or replaced has, or formerly had: | 301.6. J. 1. The lawfully established dwelling to be altered, restored, or replaced shall have: | No change. |
| (a) Intact exterior walls and roof structure; | 301.6. J.1. a. Intact, exterior walls and roof structure; | No change. |
| (b) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; | 301.6. J.1. b. Indoor plumbing including a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; | No change. |
| (c) Interior wiring for interior lights; | 301.6. J. c. Interior wiring for interior lights; and, | No change. |
| (d) A heating system; and | 301.6. J. d. A heating system. | No change. |
| (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. | Not found | Added to 301.6(J)(1). |
| (2) Notwithstanding Subsection X.13 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. | Not found. | Added as new subsection in 301.6(J). Renumbered subsequent sections. |
| B. For replacement of a lawfully established dwelling under Subsection X.05 G: |  |  |
| (1) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use: | 301.6.J.2. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling. | Reorganized subsection to include additional MZ language. |
| (a) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or | See Above | Reorganized subsection to include additional MZ language. |
| (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 | Not found. | Added to 301.6(J)(3). |
| (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. | Not found. | Added to 301.6(J)(3). |
| (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. | Not found. | Added to 301.6(J)(3). |
| (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. | 3. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this Section shall comply with all applicable siting standards of this Ordinance. However, such standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records of the County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the County. The release shall be signed by the County and shall state that the provisions of this Section regarding replacement dwellings have changed to allow the siting of another dwelling. | Split standard and updated to include X.13C. |
| 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. | See above. | Split standard and updated to include X.13C. |
| (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 X.13 A(1);  (b) Was removed from the tax roll as described in Subsection X.13 A(2); or  (c) Had a permit that expired as described under Subsection X.13 D(3). | See above. | See above |
| (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. | See above. | See above |
| (3) Replacement dwellings that currently have the features described in Subsection X.13 A(1) and that have been on the tax roll as described in Subsection X.13 A(2) may be sited on any part of the same lot or parcel. |  | See above |
| D. A replacement dwelling permit that is issued under X.05 G: | Not found. | Added as a new section to 301.6(J) |
| (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 X.13 A(1); or  (b) Was removed from the tax roll as described in Subsection X.13 A(2); | Not found. | See above |
| (2) Is not subject to the time to act limits of ORS 215.417; and | Not found. | See above |
| (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. | Not found. | See above |
| **X.14 Wineries** | 301.3. 5. ORS 215.452 shall govern any Jefferson County Winery.  301.3.6. ORS 215.453 shall govern any Jefferson County Large Winery.  301.3.D. Winery: this section is superceded by the above . | Replaced standards with ORS reference. |
| **X.15 Agri-tourism and Other Commercial Events** | 301.4. R. ORS 215.283(4) Agritourism shall govern such Jefferson County uses. | Use and standards are discretionary. No changes made. |
| **X.16 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. | H. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4, or more than 12 acres if the land is high-value farmland. | Updated 301.4.H to be consistent with standards. |
| (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. | Not found. | Added as subsection 301.4(H)(2) |
| B. Wind Power Generation Facility. |  | See below for details. Note, standards for use can be replaced with ORS reference if preferred. |
| (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. | 301.4.H. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4, or more than 12 acres if the land is 44 high-value farmland. For purposes of this rule 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. A proposal for a wind power generation facility shall be subject to the following provisions: | No change |
| (a) Temporary workforce housing described in Subsection X.16 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. | Not found | Added to 301.4.I.1 |
| (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. | Not found | Added to 301.4.I.1 |
| (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: | 1. For high-value farmland soils described at ORS 195.300(10), the County must find that all of the following are satisfied: | No change. |
| (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:  (i) Technical and engineering feasibility;  (ii) Availability of existing rights of way; and  (iii) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (b); | 301.4.H.1. 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:  301.4.H.1. a (i) Technical and engineering feasibility;  301.4.H.1. a (ii) Availability of existing rights of way; and  301.4.H.1. a (iii)The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Section 301.4(H)(2). | No change. |
| (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; | 301.4.H.1. 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. | No change. |
| (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; | 3-1.4.H.1. c. Costs associated with any of the factors listed in Section 301.4(H)(1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary. | No change. |
| (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 | 301.4.H.1.d. The owner of a wind power generation facility approved under this section 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. | No change. |
| (e) The criteria of Subsection (3) are satisfied. | 301.4.H.1.e. The criteria of Section 301.4(H)(2) are satisfied. | No change. |
| (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: | 301.4.H.2. For 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: | No change. |
| (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; | 301.4.H.2. 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; and | No change. |
| (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; | 301.4.H.2. 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; and | No change. |
| (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 | 301.4.H.2. 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 | No change. |
| (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. | 301.4.H.2. 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. | No change. |
| (4) For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection X.16 B(3)(d) are satisfied. | 301.4.H. 3. For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of Section 301.4(H)(2)(d) are satisfied. | No change. |
| (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. | 301.4.H. 4. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Section 301.4(H)(2) and (3) the approval criteria of Section 301.4(H)(2) shall apply to the entire project. | No change. |
| 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:  [Subsections (1)-(10) omitted from excerpt] | Not found in 301. | Note provisions for the use can be found in Section 433 – Photovoltaic Facilities, but the use is not listed in Section 301.  Added as new use with associated standards under 301.4.J. Renumbered all subsequent uses under 301.4.  Note, standards for use can be replaced with ORS reference if preferred. |
| **X.17 Land Divisions** |  |  |
| A. Minimum Parcel Size. The minimum size for creation of a new parcel shall be 80 *acres [OR “shall comply with Section X.18.” Smaller for an approved “go-below” minimum; 160 acres or larger for designated rangeland].* | 301.8 Minimum Lot Size The minimum size of a new parcel shall be 80 acres in the EFU A-1 and EFU A-2 zones, and 160 acres in the RL zone, except as allowed in Section 301.9. If the parcel is in a Wildlife Overlay Zone, the minimum parcel size requirements of Section 321 supersede this section if they require a larger minimum lot size. Compliance with the minimum parcel size does not mean that a dwelling is permitted outright on the parcel. | No change. |
| B. A division of land to accommodate a use permitted by Section X.06 , 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. | 301.9.A A new parcel may be created for any of the following nonfarm uses, provided the use has been approved by the County and the parcel created from the division is the minimum size necessary for the use: | Added subsections to include the follow uses from ORS 215.283(2):  - Wind power generating facilities - Photovoltaic power generating facilities - Destinaiton resort - Landscaping businesses  Updated internal references. |
| 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: | 301.9.B.Up to two new parcels may be created in the EFU A-2 zone only (and not in the EFU A-1 or RL zones), each to contain a dwelling not in conjunction with farm use, if: | No change. |
| (1) The nonfarm dwellings have been approved under Subsection X.12 ; | 301.9.B. 1. The nonfarm dwellings have been approved under Section 301.6(I); | No change. |
| (2) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; | 301.9.B. 2. The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001; | No change. |
| (3) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection A; and | 301.9.B. 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is more than 80 acres in size; | No change. |
| (4) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection A. | 301.9.B. 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will be at least 80 acres in size; and | No change. |
| 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: | 301.9. C. A lot or parcel in the EFU A-2 zone only (and not in the EFU A-1 or RL zones) may be partitioned into two parcels, each to contain one nonfarm dwelling if: | No change. |
| (1) The nonfarm dwellings have been approved under Subsection X.12 ; | 301.9.C. 1. The nonfarm dwellings have been approved under Section 301.6(I); | No change. |
| (2) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; | 301.9.C. 2. The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001; | No change. |
| (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; | 301.9.C. 3. The parcels for the nonfarm dwellings will be divided from a lot or parcel that is between 40 and 80 acres in size; | No change. |
| (4) The parcels for the nonfarm dwellings are: |  | No change. |
| (a) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and | 301.9.C. 4. The parcels for the nonfarm dwellings are: a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and | No change. |
| (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 | 301.9.C..4. 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 that are not capable of producing adequate herbaceous forage for grazing livestock. | Added missing MZ language related to “The Land Conservation and Development Comission…” |
| (5) The parcels for the nonfarm dwellings do not have established water rights for irrigation. | 301.9.C. 5. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and | No change. |
| 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. | 301.9.H. This Section does not apply to the creation or sale of cemetery lots, if a cemetery was within the boundaries designated for a farm use zone at the time the zone was established, or to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property. | No change. |
| 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. | 301.9.H. This Section does not apply to the creation or sale of cemetery lots, if a cemetery was within the boundaries designated for a farm use zone at the time the zone was established, or to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property. | No change. |
| G. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in *X.05 B [family farm help dwelling], X.06 C [hardship dwelling], or X.06 G [home occupation] from the lot or parcel on which the primary residential use exists.* | See 301.9.G. | Updated with language related to “or property line adjustment” and added subsection for home occupations. |
| H. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section X.04 A [*processing].* | 301.9.G. 4. A division that would have the effect of separating a farm crop processing facility from the farm operation that provides at least one-quarter of the farm crops processed at the facility, as described in Section 301.2(D). | Updated with language related to “or property line adjustment.” |
| I. A division of land may be permitted to create a parcel with an existing dwelling to be used: |  | See below. |
| (1) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section X.12 ; and |  | Added as subsection to 301.9(D). |
| (2) For historic property that meets the requirements of Section X.05 F. *[historic replacement dwelling]* | 301.9.D. A new parcel which contains an existing dwelling may be created if the existing dwelling has been listed in a County inventory as historic property and is listed on the National Register of Historic Places. | Modifed to include (1) above. |
| J. Notwithstanding the minimum lot or parcel size described in Subsection A,  (1) A division of land may be approved provided: |  | See below. |
| (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 | 301.9.E. A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, | Added missing MZ language related to “to purchase at least one of the resulting parcels.” |
| (b) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel. | 301.9.E. 1. Any parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel; and | No change. |
| (c) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner’s successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937. | 301.9.E.2 e. As a condition of approval, the owner of any parcel not containing a dwelling shall sign and record in the county deed records an irrevocable deed restriction prohibiting the owner and the owner’s successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937 | Renumbered as 301.9(E)(3). No other changes. |
| (2) A parcel created pursuant to this Subsection that does not contain a dwelling: | 301.9.E.2. Any parcel created by the land division that does not contain a dwelling: | No change. |
| (a) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120; | 301.9.E.2. a. Is not eligible for siting a dwelling, except as may be authorized in a state park under ORS 195.120; | No change. |
| (b) May not be considered in approving or denying an application for siting any other dwelling; | 301.9.E.2. b. May not be considered in approving an application for siting any other dwelling; | No change. |
| (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 | 301.9.E.2. c. May not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space, or other natural resource use; and | No change. |
| (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. | 301.9.E.2. d. May not be smaller than 25 acres unless the purpose of the land division is: i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or ii. 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. | No change. |
| K. A division of land smaller than the minimum lot or parcel size in Subsection A may be approved provided: | 301.9 Land Divisions for Nonfarm Uses A partition to create new parcels less than the minimum lot size specified in Section 301.8 may be approved for the nonfarm uses listed in this section, subject to all land division requirements of Chapter 7. If the parcel is in a Wildlife Overlay Zone, the minimum parcel size requirements of Section 321 supersede this section: | Added as new standard, 301.9(F). Renumbered subsequent standards. |
| (1) The division is for the purpose of establishing a church, including cemeteries in conjunction with the church; | Not found | See above. |
| (2) The church has been approved under Subsection X.04 K; | Not found | See above. |
| (3) The newly created lot or parcel is not larger than five acres; and | Not found | See above. |
| (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. | Not found | See above. |
| L. Notwithstanding the minimum lot or parcel size described Subsection A, a division for the nonfarm uses set out in Subsection X.03 L [rural fire service] if the parcel for the nonfarm use is not larger than the minimum size necessary for the use. | Not found | Added as new standard, 301.9(G). Renumbered subsequent standards. |
| 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. | 301.9. F. A land division to create a parcel for a nonfarm use under subsections (A) through (E) of this Section shall not be approved unless any additional tax imposed for the change in use has been paid. | Renumberd as 301.9(H). Updated internal references to include new standards from 301.9(F) and (G). Renumbered subsequent standards. |
| N. A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or biosolids as described under X.04 G | 301.9.G. 5. A land division for the land application of reclaimed water, agricultural or industrial process water or biosolids, as described in Section 301.3(E). | No change. |
| O. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur. | Not found. | Added to 301.9. |
| P. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that: | Not found | Added to 301.9. |
| (1) If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use. | Not found | Added to 301.9. |
| (2) If the parcel does not contain a dwelling, it: | Not found | Added to 301.9. |
| (a) Is not elegible for siting a dwelling, except as may be authorized in ORS 195.120; | Not found | Added to 301.9. |
| (b) May not be considered in approving or denying an application for any other dwelling; and | Not found | Added to 301.9. |
| (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. | Not found | Added to 301.9. |
| (d) The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner’s successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937. | Not found | Added to 301.9. |
| **X.18 Development Standards** |  | No changes |
| *All dwellings and structures approved pursuant to Article [Chapter] X shall be sited in accordance with this Section.* |  | No changes |
| *A. Lot Size Standards. Lot size shall be consistent with the requirements of Section X.17 .* |  | No changes |
| *B. Setbacks.* | 301.10 Setback Requirements (minimum): Front – 30 feet, Side – 30 feet, Rear – 30 feet. | No changes |
| *(1) Front Yard: All buildings or structures with the exception of fences shall be setback a minimum of [thirty (30) feet] from the property line.* |  | No changes |
| *(2) Rear Yard: [10-30 feet]* |  | No changes |
| *(3) Side Yard: [5-30 feet]* |  | No changes |
| *C. Height.* |  | No changes |
| *(1) Dwellings or accessory farm dwellings shall not exceed a height of [30-45] feet.* |  | No changes |
| *(2) Non-residential, non-farm structures shall not exceed a height of [30-100] feet.* |  | No changes |
| *(3) Farm-related structures are exempt from height limits [unless subject to airport overlay].* |  | No changes |