ARTICLE 2.00

A-1 EXCLUSIVE FARM USE ZONE

2.01 PURPOSE

The purpose of the A-1 Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The A-1 Zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat. It is also the purpose of the A-1 Zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The A-1 Zone has been applied to lands designated as Exclusive Agriculture in the Land Use Plan. The provisions of the A-1 Zone reflect the agricultural policies of the Land Use 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.

2.02 PERMITTED USES

In the A-1 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

1. Farm use.

2. Propagation or harvesting of a forest product.

3. Other buildings customarily provided in conjunction with farm use.

2.03 ADMINISTRATIVE USES

The following uses may be established in an A-1 Zone subject to the review process identified in Section 24.02 (Planning Director Land Use Decision).

1. Creation of, restoration of, or enhancement of wetlands.

2. Climbing and passing lanes within the right of way existing as of July 1, 1987.

3. 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.

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

5. 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.

6. Fire service facilities providing rural fire protection services.

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

8. Firearms training facility in existence on September 9, 1995.

9. Dwelling customarily provided in conjunction with farm use subject to Subsection 2.05.26.B. and Section 2.07.

10. 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 2.05.26.B.

11. Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection 2.05.26.B and Section 2.11.

2.04 CONDITIONAL USES WITH GENERAL REVIEW CRITERIA

In the A-1 Zone, the following uses and their accessory buildings and uses are permitted subject to county review under Article 24.03 Quasi-Judicial land use decision and the specific standards for the use set forth in Section 2.05, as well as the general standards for the zone and the applicable standards in Article 21.00 (Conditional Uses).

1. 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.

2. Operations for the exploration for minerals as defined by ORS 517.750.

3. 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.

4. 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.

5. A facility for the processing of farm crops, biofuel or poultry subject to Subsection 2.05.1.

6. Dog training classes or testing trials subject to Subsection 2.05.5.

7. Farm stands subject to Subsection 2.05.6.

8. A winery subject to Section 2.12.

9. Agri-tourism and other commercial events or activities subject to Section 2.13.

10. Utility facility service lines subject to Subsection 2.05.14.

11. Utility facilities necessary for public service, including associated transmission lines as defined in Section 1.08 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 2.05.15.

12. A site for the takeoff and landing of model aircraft subject to Subsection 2.05.19.

13. Churches, and cemeteries in conjunction with churches, subject to Subsection 2.05.26.A. This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to Subsection 2.05.26.C.

14. 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 the county planning commission under ORS 433.763.

15. 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 2.05.3, and 2.05.26.B.

16. Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection 2.05.26.B. and Section 2.08.

17. One single-family dwelling on a lawfully created lot or parcel subject to Subsection 2.05.26.B and Section 2.09.

18. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection 2.05.26.B and Section 2.10.

19. A facility for the primary processing of forest products subject to Subsection 2.05.1.

20. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission or insect species.

21. Temporary hardship dwelling subject to Subsection 2.05.4.

22. Residential home or facility as defined in ORS 197.660, in existing dwellings, subject to Subsection 2.05.26.B.

23. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection 2.05.26.B.

24. Parking of up to seven log trucks.

25. Home occupations as provided in Subsection 2.05.7.

26. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection 2.05.5.

27. 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.

28. 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.

29. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection 2.04.5, subject to 2.05.9.

30. Guest ranch subject to Subsection 2.05.8.

31. 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.

32. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

33. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to 2.05.10.

34. Processing of other mineral resources and other subsurface resources.

35. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

36. 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.

37. 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 and subject to OAR 660-012-0065 where applicable.

38. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.

39. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection 2.05.12.

40. Transmission towers over 200 feet in height.

41. 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 2.14.1.

42. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 2.14.2.

43. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 2.14.3.

44. 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. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 2.05.26.C.

45. 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 2.05.17. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 2.05.26.C.

46. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.

47. Living history museum as defined in Section 1.08. And subject to Subsections 2.05.20 and 2.05.26.A.

48. 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 2.05.21 and 2.05.26.A.

49. Public parks and playgrounds subject to Subsections 2.05.22 and 2.06.25.A.

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

51. Operations for the extraction and bottling of water.

52. 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 2.05.26.A. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections 2.05.23 and 2.05.26.C.

53. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections 2.05.24 and 2.05.26.A. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection 2.05.26.C.

54. Golf courses as defined in Section 1.08 and subject to Subsections 2.05.25 and 2.05.26.A. 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 2.05.26.C.Use Standards.

2.05 USE STANDARDS

1. 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.

2. 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 1.08. 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.

3. To qualify for a relative farm help dwelling, 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. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

4. A temporary hardship dwelling is subject to the following:

    A. 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:

        (1) 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;

        (2) Doctor certification;

(3) The county shall review the permit authorizing such manufactured homes every two years; and

(4) 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.

B. A temporary residence approved under this section is not eligible for replacement under Subsection 2.03.11. Department of Environmental Quality review and removal requirements also apply.

C. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons as determined by a certified doctor.

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

A. 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

B. 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.

6. A farm stand may be approved if:

A. 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.

Fee-based promotional activities may include farm-to-plate dinners and small-scale gatherings like farm-themed birthday parties, but not large-scale gatherings like weddings. Food carts may only be allowed if used for the sale of farm crops or livestock grown on the farm operation.

B. 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.

C. 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. 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.

D. 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.

E. Farm Stand Development Standards

(1) Adequate off-street parking will be provided pursuant to provisions of the County.

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

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

(4) No farm stand building or parking is permitted within the right-of-way.

(5) Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked.

(6) 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.

(a) 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.

(b) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.

(c) 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.

(7) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways, except as provided for up-lighting of flags and permitted building-mounted signs.

(8) Signs are permitted consistent with Section 217 Development Standards.

F. Permit approval is subject to compliance with the Department of Environmental Quality Subsurface Sewage Disposal Program or Department of Agriculture requirements and with the development standards of this zone.

7. Home occupations:

A. A home occupation shall:

(1) Be operated by a resident or employee of a resident of the property on which the business is located;

(2) Employ on the site no more than one full-time or part-time person at any given time;

(3) Be operated substantially in:

(a) No more than 49% of the dwelling; or

(b) Other buildings where no more than 1,200 square feet is used for the home occupation and the building is normally associated with uses permitted in the zone where 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.

(4) Not unreasonably interfere with other uses permitted in the zone in which the property is located.

(5) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established under Subsection 2.05.8. and is operated in association with the winery:

(a) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility;

(b) The meals may be served at the bed and breakfast facility or at the winery.

(6) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.

(7) 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.

(8) All off-street parking must be provided on the subject parcel where the home occupation is operated.

(a) Employees must use an approved off-street parking area.

(b) Customers visiting the home occupation must use an approved off-street parking area.

(9) One (1) sign identifying the home and occupation is permitted, not to exceed a total of 32 square feet in area and located outside of the public right of way.

(10) Retail sales shall be limited or accessory to a service.

(11) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities) shall be prohibited.

8. A guest ranch must comply with the following provisions:

A. Definitions

(1) "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.

(2) "Guest ranch" means a facility for guest lodging units, passive recreational activities described in paragraph F and food services described in paragraph G that are incidental and accessory to an existing and continuing livestock operation that qualifies as a farm use.

(3) "Livestock" means cattle, sheep, horses and bison.

B. A guest ranch may be established unless the proposed site of the guest ranch is within the boundaries of or surrounded by:

(1) A federally designated wilderness area or a wilderness study area;

(2) A federally designated wildlife refuge;

(3) A federally designated area of critical environmental concern; or

(4) An area established by an Act of Congress for the protection of scenic or ecological resources.

C. The guest ranch must be located on a lawfully established unit of land that:

(1) Is at least 160 acres;

(2) Contains the dwelling of the individual conducting the livestock operation; and

(3) Is not high-value farmland.

D. Except as provided in paragraph E, the guest lodging units of the guest ranch c cumulatively must:

(1) Include not fewer than four nor more than 10 overnight guest lodging units; and

(2) 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.

E. 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 paragraph C, 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.

F. 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.

G. 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.

H. Notwithstanding ORS 215.283, the governing body of a county or its designee may not allow a guest ranch in conjunction with:

(1) A campground as described in ORS 215.283 (2).

(2) A golf course as described in ORS 215.283 (2).

I. Notwithstanding ORS 215.263, the governing body of a county or its designee may not approve a proposed division of land:

(1) For a guest ranch; or

(2) To separate the guest ranch from the dwelling of the individual conducting the livestock operation.

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

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

B. 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

C. 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.

10. 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.

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

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

B. A land use permit for mining of aggregate shall be issued only for a site included on a mineral or aggregate inventory in the land use plan.

12. A personal use airport, as used in this Article, 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.

13. Land Application of Reclaimed or Process Water, agricultural process or industrial process water or bio solids 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 215.246, 215.247, 215.249 and 215.251.

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

(1) Meets the requirements of OAR 340-096-0150;

(2) Identifies the distance of the proposed operation to the nearest residential zone;

(3) Includes a complaint response protocol;

(4) Is submitted to the DEQ with the required permit application; and

(5) May be subject to annual review by the county to determine if any revisions are necessary.

B. Compost operations subject to Section 2.05.15 include:

(1) A new disposal site for composting that sells, or offers for sale, resulting product; or

(2) An existing disposal site for composting that sells, or offers for sale, resulting product that:

(a) Accepts as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or

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

14. 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:

A. A public right of way;

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

C. The property to be served by the utility.

15. A utility facility that is necessary for public service

A. 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. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(1) Technical and engineering feasibility;

(2) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(3) Lack of available urban and non-resource lands;

(4) Availability of existing rights of way;

(5) Public health and safety; and

(6) Other requirements of state and federal agencies.

B. Costs associated with any of the factors listed in subparagraph A. of this paragraph may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

C. The owner of a utility facility approved under paragraph A 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 paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

D. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

E. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the A-1 Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to Section 2.06 Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

F. In addition to the provisions of subparagraphs A to D of this paragraph, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.

G. The provisions of subparagraphs A to D of this paragraph do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

16. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of subparagraph A or subparagraph B of this paragraph.

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

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

(2) The associated transmission line is co-located with an existing transmission line;

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

(4) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

B. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs 16(C) and 16(D), two or more of the following criteria:

(1) Technical and engineering feasibility;

(2) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(3) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(4) Public health and safety; or

(5) Other requirements of state or federal agencies.

C. As pertains to paragraph 16.B the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

D. The county may consider costs associated with any of the factors listed in subparagraph 16.B, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

17. 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 2.05.26.C.

18. 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 2.06 and shall comply with the following requirements.

A. 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 Land Use Plan.

B. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwelling(s) or a residential zone.

C. 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.

D. 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:

(1) The area surrounding the facility is kept free from litter and debris.

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

(3) 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.

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

F. 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.

G. 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.

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

I. Comply with other conditions deemed necessary.

19. 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.

20. 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.

21. 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.

22. Public parks may include:

    A. All uses authorized under ORS 215.283;

    B. The following uses, if authorized in a local or park master plan that is adopted as part of the local Land Use Plan, or if authorized in a state park master plan that is adopted by OPRD:

        (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;

(2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;

(3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

(4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump out stations;

(5) 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;

(6) 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;

(7) 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

(8) 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.

C. 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:

(1) Meeting halls not exceeding 2000 square feet of floor area;

(2) Dining halls (not restaurants).

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

A. The Conditional Use Review Criteria in Section 2.06 are met; and

B. 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.

24. Private Campgrounds are subject to the following:

A. 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.

B. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by paragraph C.

C. 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.

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

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 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;

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 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

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 an 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.

26. General Standards.

A. Three-mile setback from the Urban Growth Boundary (UGB). For uses subject to this subsection:

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

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

B. 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.

C. 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 2.04.54 and Section 2.06.

2.06 CONDITIONAL USE REVIEW CRITERIA

1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.

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

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

2.07 DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

1. Large Tract Standards. On land not identified as high-value farmland as defined in Section 1.08, a dwelling may be considered customarily provided in conjunction with farm use if:

   A. The parcel on which the dwelling will be located is at least:

      (1) 160 acres and not designated rangeland; or

      (2) 320 acres and designated rangeland.

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

   C. 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.

   D. Except for an accessory farm dwelling, there is no other dwelling on the subject tract.

2. Farm Capability Standards.

   A. On land not identified as high-value farmland pursuant to OAR 660-033-0020(8), a dwelling may be considered customarily provided in conjunction with farm use if:

(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 that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;

(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 subparagraph (1);

(3) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subparagraph (1);

(4) The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;

(5) Except for an accessory farm dwelling, there is no other dwelling on the subject tract;

(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; and

(7) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subparagraph (3).

B. In order to identify the commercial farm or ranch tracts to be used in subparagraph 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 660-044-0135(2)(c).

3. 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:

A. 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:

(1) At least $40,000 in gross annual income from the sale of farm products; or

(2) 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

B. Except for an accessory farm dwelling, 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;

C. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph A; and

D. In determining the gross income required by paragraph A:

(1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(2) Only gross income from land owned, not leased or rented, shall be counted; and

(3) 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.

4. 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:

A. 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

B. Except for an accessory farm dwelling, 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

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

D. In determining the gross income required by paragraph A:

(1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(2) Only gross income from land owned, not leased or rented, shall be counted; and

(3) 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.

5. Additional Farm Income Standards

A. For the purpose of Subsections 2.07.3 or 2.07.4, 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.

B. Prior to the final approval for a dwelling authorized by Subsections 2.07.3 or 2.07.4 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 provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" to OAR chapter 660, division 33 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. 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:

(1) 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

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

C. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;

D. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;

E. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section;

F. The planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or

other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

6. Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm as defined in paragraph 7 if:

   A. The subject tract will be employed as a commercial dairy as defined in paragraph 7;

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

   C. Except for an accessory farm dwelling, there is no other dwelling on the subject tract;

   D. 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;

   E. 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

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

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

      (2) A Producer License for the sale of dairy products under ORS 621.072.

7. As used in this section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections 3 or 4, whichever is applicable, from the sale of fluid milk.

8. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:

   A. 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 3 or 4, whichever is applicable;

B. The subject lot or parcel on which the dwelling will be located is:

(1) 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 3 or 4, whichever is applicable; and

(2) At least the size of the applicable minimum lot size under Section 2.16;

C. Except for an accessory farm dwelling, there is no other dwelling on the subject tract;

D. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph A; and

E. In determining the gross income required by paragraph A and subparagraph B(1):

(1) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(2) Only gross income from land owned, not leased or rented, shall be counted.

2.08 ACCESSORY FARM DWELLINGS -YEAR ROUND AND SEASONAL

1. Accessory farm dwellings as permitted by Section 2.05 may be considered customarily provided in conjunction with farm use if:

A. Each accessory farm dwelling meets all the following requirements:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

(2) The accessory farm dwelling will be located:

(a) On the same lot or parcel as the primary farm dwelling;

(b) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;

(c) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;

(d) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or

(e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

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

(1) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:

(a) At least $40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased

livestock shall be deducted from the total gross income attributed to the tract; or

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

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

(3) It is located on a commercial dairy farm as defined in Section 2.07.7; and

(a) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;

(b) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

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

C. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in 2.16.1.

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 2.04.18.

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

2.09 OWNERSHIP LOT OF RECORD DWELLINGS

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

   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 as defined in paragraph 5:

      (1) Since prior to January 1, 1985; or

      (2) 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.

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

   C. 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;

   D. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Land Use Plan and land use regulations and other provisions of law;

   E. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in paragraphs 3 and 4; and

   F. When the lot or parcel on which the dwelling will be sited lies within an area designated in the Land Use Plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged Land Use Plan and land use regulations intended to protect the habitat are based.

2. 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;

3. Notwithstanding the requirements of subparagraph 1.E, a single-family dwelling may be sited on high-value farmland if:

   A. It meets the other requirements of paragraphs 1 and 2;

   B. The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8) (a);

   C. The Planning Commission determines that:

      (1) 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.

(a) 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 of parcel cannot be practicably managed for farm use.

(b) 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.

(c) 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;

(2) The dwelling will comply with the provisions of 2.06; and

(3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph 2.10.1.A

4. Notwithstanding the requirements of subparagraph 1.E, a single-family dwelling may be sited on high-value farmland if:

(1) It meets the other requirements of paragraphs 1 and 2;

(2) The tract on which the dwelling will be sited is:

(a) Identified in OAR 660-033-0020(8) (c) or (d);

(b) Not sited on high-value farmland defined in Section 2.02; and

(c) 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 flag lot 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 flag lot 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) "Flag lot" 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 flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

5. For purposes of paragraph 1, "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;

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

7. An application for a single-family dwelling that is approved 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.

8. The county shall provide notice of all applications for ownership 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.

2.10 DWELLINGS NOT IN CONJUNCTION WITH FARM USE

1. Non-farm dwelling. A non-farm dwelling sited on a lot or parcel is subject to the following requirements:

   A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

   B. The following applies to a non-farm dwelling:

      (1) The dwelling is situated upon a lot or parcel, or 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 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

      (2) 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 a 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, in Eastern Oregon, 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

      (3) 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 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, in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of

wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

C. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth below in subparagraphs (1) through (3). 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 below in subparagraphs (1) through (3).

(1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(2) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections A and B and Section 2.10, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and

(3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

If a single-family dwelling is established on a lot or parcel as set forth in Subsection 2.05.7 or (forest zone reference to dwellings in forest zones), no additional dwelling may later be sited under the provisions of this section.

2. Non-farm dwelling. A non-farm dwelling sited on a parcel created after January 1, 1993, as allowed in ORS 215.263(5), is subject to the following requirements:

A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farm or forest practices on nearby lands devoted to farm or forest use.

B. No final approval of a non-farm dwelling shall be given unless any additional taxes imposed upon the change in use have been paid.

C. If a single-family dwelling is established on a lot or parcel as set forth in ORS 215.705 to 215.750, no additional dwelling may later be sited as a non-farm dwelling.

D. The dwelling will not materially alter the stability of the overall land use pattern of the area.

E. The non-farm dwelling complies with such other conditions as the governing body or it designee considers necessary.

2.11 ALTERATION, RESTORATION OR REPLACEMENT OF A LAWFULLY-ESTABLISHED DWELLING

1. 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:

A. The dwelling to be altered, restored or replaced has, or formerly had:

(1) Intact exterior walls and roof structure;

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

(3) Interior wiring for interior lights;

(4) A heating system; and

(5) 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; and

B. Notwithstanding subsection 1.A (5), 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:

(1) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or

(2) 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.

2. For replacement of a lawfully established dwelling under Subsection 2.03.11:

A. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

(1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or

(2) 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

(3) 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.

B. 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.

C. 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 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.

A. The siting standards of paragraph B apply when a dwelling qualifies for replacement because the dwelling:

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

(2) Was removed from the tax roll as described in paragraph 1.C; or

(3) Had a permit that expired as described under paragraph 4.C.

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

(1) 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

(2) 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 yard of another structure.

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

4. A replacement dwelling permit that is issued under 2.03.11:

A. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:

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

(2) Was removed from the tax roll as described in paragraph 1.C;

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

C. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:

(1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and

(2) 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.

2.12 WINERIES

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

A. Less than 50,000 gallons and the winery:

(1) Owns an on-site vineyard of at least 15 acres;

(2) Owns a contiguous vineyard of at least 15 acres;

(3) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or

(4) Obtains grapes from any combination of subparagraph (1), (2) or (3); or

B. At least 50,000 gallons and the winery:

(1) Owns an on-site vineyard of at least 40 acres;

(2) Owns a contiguous vineyard of at least 40 acres;

(3) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;

(4) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or

(5) Obtains grapes from any combination of subparagraph (1), (2), (3) or (4).

2. In addition to producing and distributing wine, a winery established under this section may:

A. Market and sell wine produced in conjunction with the winery.

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

(1) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(2) Wine club activities;

(3) Winemaker luncheons and dinners;

(4) Winery and vineyard tours;

(5) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(6) Winery staff activities;

(7) Open house promotions of wine produced in conjunction with the winery; and

(8) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.

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

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

(2) Served in conjunction with an activity authorized by paragraph 2.A, D, or E.

D. Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to Subsection 5

E. Host charitable activities for which the winery does not charge a facility rental fee.

3. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection 2.C. Food and beverage services authorized under Subsection 2.C may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.

4. The gross income of the winery from the sale of incidental items or services provided pursuant to Subsection 2.C and 2.D may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.

5. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by 2.13 1 to 4.

6. A winery operating under this section shall provide off-street parking for all activities or uses of the lot, parcel or tract on which the winery is established.

7. Prior to the issuance of a permit to establish a winery under Subsection 1, the applicant shall show that vineyards described in Subsection 1 have been planted or that the contract has been executed, as applicable.

8. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

    A. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and

    B. Provision of direct road access and internal circulation.

9. In addition to a winery permitted in Subsections 1 to 8, a winery may be established if:

    A. The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;

    B. The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in paragraph 9.A; and

C. The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this subsection.

10. In addition to producing and distributing wine, a winery described in Subsection 9 may:

A. Market and sell wine produced in conjunction with the winery;

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

(1) Wine tastings in a tasting room or other location on the premises occupied by the winery;

(2) Wine club activities;

(3) Winemaker luncheons and dinners;

(4) Winery and vineyard tours;

(5) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;

(6) Winery staff activities;

(7) Open house promotions of wine produced in conjunction with the winery; and

(8) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;

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

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

(2) Served in conjunction with an activity authorized by paragraph 10.B (2), (4), or (5);

D. Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

(1) Are directly related to the sale or promotion of wine produced in conjunction with the winery;

(2) Are incidental to the retail sale of wine on-site; and

(3) Are limited to 25 days or fewer in a calendar year; and

(4) Host charitable activities for which the winery does not charge a facility rental fee.

11. Income Requirements

A. The gross income of the winery from the sale of incidental items pursuant to paragraph 10.C and services provided pursuant to paragraph 10.D may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.

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

12. A winery permitted under Subsection 9:

A. Shall provide off-street parking for all activities or uses of the lot, parcel or tract on which the winery is established.

B. May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

13. Permit Requirements

A. A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection 10.D occurring on more than 25 days in a calendar year.

B. In addition to any other requirements, a local government may approve a permit application under this subsection if the local government finds that the authorized activity:

(1) Complies with the standards described in Subsections 2.06.1, 2, and 3;

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

(3) Does not materially alter the stability of the land use pattern in the area.

C. If the local government issues a permit under this subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.

14. A person may not have a substantial ownership interest in more than one winery operating a restaurant under Subsection 9.

15. Prior to the issuance of a permit to establish a winery under Subsection 9, the applicant shall show that vineyards described in Subsection 9 have been planted.

16. A winery operating under Subsection 9 shall provide for:

A. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and

B. Direct road access and internal circulation.

17. A winery operating under Subsection 9 may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.

18. As used in this section:

A. "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.

B. "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

2.13 AGRI-TOURISM AND OTHER COMMERCIAL EVENTS

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

2. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

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

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

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

D. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

E. The agri-tourism or other commercial event or activity complies with the standards described in Subsections 2.06.1, 2, and 3;

F. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

G. The agri-tourism or other commercial event or activity complies with conditions established for:

(1) Planned hours of operation;

(2) Access, egress and parking;

(3) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(4) Sanitation and solid waste.

3. In the alternative to Subsections 1 and 2, the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

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

B. May not begin before 6 a.m. or end after 10 p.m.;

C. May not involve more than 100 attendees or 50 vehicles;

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

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

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

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

4. In the alternative to Subsections 1 and 2, the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

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

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

C. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

D. Must comply with the standards described in Subsections 2.06.1, 2, and 3;

E. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

F. Must comply with conditions established for:

(1) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(3) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(4) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(5) Sanitation and solid waste.

G. A permit authorized by this subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection 3, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

5. In addition to Subsections 1 to 3, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections 1 to 3 if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

   A. Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

   B. Comply with the requirements of 3.C, D, E, and F;

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

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

6. A holder of a permit authorized by a county under Subsection 4 must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

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

   B. Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection 4.

7. Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.

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

9. Agri-Tourism and other Commercial Events or Activities Permit. Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use only if the standards and criteria in this section are met.

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

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

(2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(3) A traffic management plan that meets the criteria in Section B (3).

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

B. Approval Criteria.

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

(2) Noise Control

(a) All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.

(b) A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network

and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.

(3) Transportation Management

(a) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.

(b) Adequate off-street parking will be provided adequate to accommodate anticipated attendance.

(4) Health and Safety Compliance

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

(b) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Oregon Uniform Building Code and any other applicable federal, state and local laws.

(c) Compliance with the requirements of the building codes shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

2.14 COMMERCIAL FACILITIES FOR GENERATING POWER

1. Commercial Power Generating Facility, except for wind and photovoltaic solar facilities.

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

(1) 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

(2) 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.

B. 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.

2. Wind Power Generation Facility.

A. 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.

(1) Temporary workforce housing described in Subsection 2.14.1.B 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.

(2) 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.

B. 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) 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:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

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

(2) 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;

(3) Costs associated with any of the factors listed in subparagraph (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;

(4) The owner of a wind power generation facility approved under paragraph B 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

(5) The criteria of paragraph C are satisfied.

C. 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:

(1) 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;

(2) 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;

(3) 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

(4) 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.

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

E. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in paragraphs C and D, the approval criteria of paragraph C shall apply to the entire project.

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

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

B. "Arable soils" means soils that are suitable for cultivation as determined by the governing body or it's designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

C. "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

D. "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

E. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

F. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

(1) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project

components on lands in a manner that could disrupt common and accepted farming practices;

(2) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

(3) 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;

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;

(5) The project is not located on high-value farmland soils unless it can be demonstrated that:

(a) Non high-value farmland soils are not available on the subject tract;

(b) Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils; and

(6) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.

(b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

G. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

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

(a) Nonarable soils are not available on the subject tract;

(b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

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

(2) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;

(3) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(4) The requirements of subparagraphs F (1), (2), (3), and (4) are satisfied.

H. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 250 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

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

(a) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

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

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

(3) No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;

(4) The requirements of subparagraph F (4) are satisfied;

(5) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's Land Use Plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local Land Use Plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(6) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species

or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

(7) The provisions of paragraph (6) are repealed on January 1, 2022.

I. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

J. Nothing in this section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

2.15 LAND DIVISIONS

1. Minimum Parcel Size. The minimum size for creation of a new parcel shall comply with Section 2.16.

2. A division of land to accommodate a use permitted by Section 2.04, except a residential use, smaller than the minimum parcel size provided in Subsection 1 may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

3. A division of land to create up to two new parcels smaller than the minimum size established under Section 2.16, each to contain a dwelling not provided in conjunction with farm use, may be permitted if:

   A. The nonfarm dwellings have been approved under paragraph 2.10.2;

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

   C. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Section 2.16;

   D. The remaining area of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size in Section 2.16; and

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

4. A division of land to divide a lot or parcel by creating up to two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:

A. The nonfarm dwellings have been approved under Subsection 2.10.2;

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

C. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Section 2.16 but equal to or larger than 40 acres;

D. The parcels for the nonfarm dwellings are:

(1) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

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

E. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and

F. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or

location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

5. 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.

6. 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.

7. This section does not allow division of a lot or parcel described in 2.04.15 or 2.04.21.

8. This section does not allow division of a lot or parcel that separates a processing facility from the farm operation specified in Section 2.04.19.

9. A division of land may be permitted to create a parcel with an existing dwelling to be used:

   A. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section 2.10; and

   B. For historic property that meets the requirements of Section 2.03.10.

10. Notwithstanding Section 2.16, a division of land may be approved for the purpose of establishing a park, provided the following are met:

   A. A parcel created pursuant to this subsection that does contain a dwelling:

      (1) 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

      (2) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

   B. A parcel created pursuant to this subsection that does not contain a dwelling:

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

      (2) May not be considered in approving or denying an application for siting any other dwelling;

      (3) May not be considered in approving a redesignation or rezoning of forestlands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and

(4) 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.

11. A division of land smaller than the minimum lot or parcel size in Section 2.16 may be approved provided:

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

B. The church has been approved under Subsection 2.04.;

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

D. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection 2.16 either by itself or after it is consolidated with another lot or parcel.

12. Notwithstanding the minimum lot or parcel size described Section 2.16, a division for the nonfarm uses set out in Subsection 2.03.6 if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

13. The governing body of a county may not approve a division of land for nonfarm use under subsection 2, 3, 5, 6, 7, or 8 unless any additional tax imposed for the change in use has been paid.

14. 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.

2.16 MINIMUM PARCEL SIZE

1. The minimum parcel size for farm related parcels in the A-1 Exclusive Farm Use Zone shall be as follows:

A. 160 acres for land not designated rangeland.

B. 320 acres for land designated rangeland.

C. On a predominantly agricultural parcel a variance application may be submitted per Article 30.00 to create parcels per ORS 215.780(1) for resource related purposes only.

2.17 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an A-1 Exclusive Farm Use Zone.

1. Any proposed division of land included within the A-1 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).

2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.

3. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.

4. Signs shall be limited to the following:

   A. All off-premise signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.

   B. All on premise signs shall meet the Oregon Administrative Rule regulations for on premise signs which have the following standards:

      (1) Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.

      (2) Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.

      (3) Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.

      (4) Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.

   C. All on premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away

from residential use or zones, and shall not be located so as to detract from a motorist's vision except for emergency purposes.