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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)	
Ordinance No. 83-04, codified)	ORDINANCE NO. 2005-02
in Chapter 152, County Land)	
Development Ordinance, to)	
Incorporate Agricultural Land)	
Legislative and Administrative)	
Changes)	

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

WHEREAS the Oregon Legislature has amended Oregon Revised Statutes, Chapter 215, and the Oregon Department of Land Conservation and Development has amended Oregon Administrative Rules, Chapter 660, Division 033, for Agricultural Lands;

WHEREAS pursuant to Umatilla County Code of Ordinances §152.004, any revisions in the Oregon Revised Statutes automatically amends or modifies any references to that statute in the County Land Development Ordinance;

WHEREAS the staff of the Umatilla County Resource Services and Development Department identified a number of provisions of the County Land Development Ordinance that have been updated and amended as a result of state legislative and administrative changes, and have proposed amendments to the County Land Development Ordinance to comply with the state legislative and administrative changes;

WHEREAS the Umatilla County Planning Commission held a public hearing on October 24, 2004 to review the proposed amendments and recommended that the Board of Commissioners adopt the amendments;

WHEREAS the Board of Commissioners held public hearings on December 15, 2004 and January 5, 2005, to consider the proposed amendments, and voted for the approval of the amendments.

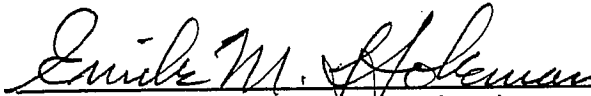
NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the County Land Development Ordinance, No. 83-04, passed May 9, 1984, be further amended as follows: §§152.055 to 152.063; §§152.610 to 152.617; §152.003 Definitions - Farm Use, Living History Museum, Personal-Use Airport, Utility Facility Service Lines; and §152.576, as set out in Exhibit A, attached to this ordinance and incorporated by this reference.

FIRST READING: December 15, 2004

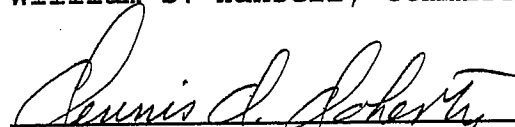
SECOND READING: January 5, 2005

DATED this 5th day of January, 2005.

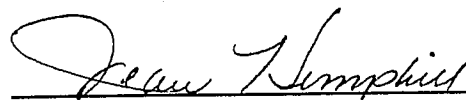
UMATILLA COUNTY BOARD OF COMMISSIONERS

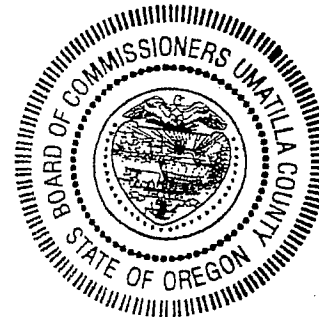

Emile M. Holeman, Commissioner

ABSENT
William S. Hansell, Commissioner


Dennis D. Doherty, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS


Records Officer



EFU EXCLUSIVE FARM USE ZONE

§ 152.055 DESCRIPTION AND PURPOSE.

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

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

§ 152.056 USES PERMITTED OUTRIGHT.

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

(A) Farm use, as defined in ORS 215.203 and set out in § 152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or

elevators and chemical storage), which are permitted subject to approval of a farm exempt permit per § 152.057.

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

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

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

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

(F) Landscaping as part of a transportation facility

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

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

(I) Utility facility service lines.

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

§ 152.057 USES PERMITTED WITH A FARM EXEMPT PERMIT.

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

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and the regulations in §§ 152.010 through 152.017 and §§ 152.545 to 152.577:

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

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

(C) Operations for the exploration for minerals as defined by ORS 517.750.

(D) A winery, as described in ORS

215.452.

(E) Farm stands if:

(1) The structures are designed and used for the sale of farm crops or 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 sale of incidental items and fees from promotional activity do not make up more than 25% of the total sales of the farm stand; and

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

(F) Alteration, restoration or replacement of a lawfully established dwelling that:

(1) Has intact exterior walls and roof structures;

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

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

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

completion of the replacement dwelling;

(6) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards.

(7) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

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

(9) Permits issued for replacement dwellings are valid for four years. A permit extension for an additional two years may be obtained.

(G) Signs: Type 2, 3, 4, 5, 6;

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

(I) On site filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

(J) A site for the takeoff and landing of

model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph.

(K) Fire service facilities providing rural fire protection services.

(L) The breeding, kenneling and training of greyhounds for racing on a parcel or tract not meeting the definition of high-value farmland.

(M) A gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015 (10) or subject to review under OAR Chapter 660 Division 33.

§ 152.059 LAND USE DECISION

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

(A) Public or private schools, including all buildings essential to the operation of a school, provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Existing school facilities may be maintained, enhanced

or expanded on the same tract without an exception. New facilities are not allowed on high value farmland.

(B) Churches and a cemetery in conjunction with a church, on a parcel or tract not meeting the definition of high-value farmland and, pursuant to OAR 660-033-130 (2).

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

(D) A facility for the primary processing of forest products.

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

(F) A facility for the processing of farm crops.

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

215.251.

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

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

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

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

(L) 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.

(M) DWELLINGS.

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

Permits for dwellings approved under this section are valid for four years. A permit

extension for an additional two years may be obtained.

(I) Primary Farm Dwellings.

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

(a) Income test. A dwelling meeting the criteria established in O.A.R. 660 33 135 (7):

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

2. Except as permitted in ORS 215.213 (1) (r) and ORS 215.283 (1) (p), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-0057 owned by the farm or ranch operator or on the farm or ranch operation;

3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the farm income required by this division;

4. In determining the gross income required by this division;

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

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

(iii) Gross farm income earned

from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

5. For a high value farmland income test, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Except for Hood River and Wasco counties and Jackson and Klamath counties, when a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

6. Prior to the final approval for a dwelling authorized by this division that requires on 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 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:

(i) 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

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

7. 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.

8. 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;

9. 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, which is subject to the covenants, conditions and restrictions required by this division;

10. The county 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.

11. Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

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

(A) Size test. The parcel on which the dwelling will be located is at least 160

acres.

1. The subject tract is currently employed for farm use as defined in ORS 215.203 and § 152.003 of this chapter;

2. 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;

3. There are no other dwellings on the subject tract.

4. Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

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

1. The subject tract is currently employed for farm use that produced in the last two years or three of the last five years the lower of the following:

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

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

2. There is no other dwelling on lands designated exclusive farm use or mixed farm/forest use owned by the farm or ranch operator or the farm or ranch operation; and

3. The dwelling will be occupied by a person or persons, who produced the commodities which grossed the income;

4. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

5. Only gross income from land owned, not leased or rented, shall be counted; and

6. Gross farm income earned from a lot or parcel, which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

7. For a high value farmland income test, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Except for Hood River and Wasco counties and Jackson and Klamath counties, when a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

8. Prior to the final approval for a dwelling authorized by this division that requires on 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 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:

(i) 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

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

9. 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.

10. 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;

11. 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, which is subject to the covenants, conditions and restrictions required by this division;

12. The county 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.

13. Sign and record a Covenant Not to Sue as provided in § 152.059 (M) (j).

(C) Capability test. If the subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and the subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the median size commercial farm or ranch tract used to calculate the tract size in the study area; and

1. The subject tract is currently employed for farm use at a level capable of producing the annual gross sales; required in this section; and

2. The subject lot or parcel on which the dwelling is proposed is not less than 20 acres in eastern Oregon; and

3. There is no other dwelling on the subject tract;

4. 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 this

section;

5. The process for establishing a farm dwelling using the "capability test" is established at OAR 660 33 135 (2), (3) and (4).

6. Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

(II) Lot of Record.

(1) A Lot of Record dwelling may be approved on high value farmland as defined in ORS 215.710(1) and (2) and in § 152.003, 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. 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, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

1. Since prior to January 1, 1985; or

2. By devise or 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 comprehensive plan and land use regulations and other provisions of law.

(E) When the dwelling will be sited in an area designated in the acknowledged Comprehensive Plan as "critical winter range" the requirements of that zone also apply (see §§ 152.455 through 152.458);

(F) 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;

(G) To site a lot of record dwelling on high value farmland, the Planning Commission, or the designated Hearings Officer in the county, must determine 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;

2. The Lot of Record Dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

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 the impact test § 152.059 (M)(h).

(H) A dwelling under this section may be denied if the county determines that approval of the dwelling would:

1. Exceed the facilities and service capabilities of the area;

2. Materially alter the stability of the overall land use pattern in the area; or

3. Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged Comprehensive Plan or land use regulations.

(I) An approved Lot of Record application for a single family dwelling may be transferred by a person(s) who has qualified under this division to any other person(s) after the final approval of the lot of record dwelling decision;

(J) The county assessor will be notified when a Lot of Record Dwelling is approved;

(K) For purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

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

2. Submits a report from a soil scientist whose credentials are acceptable to the State Department of Agriculture stating

that the soil class, soil rating or other soil designation should be changed; and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

(L) The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the Planning Commission/Hearings Officer.

(M) Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

(2) A Lot of Record dwelling under this division may be allowed on farmland not defined as high value under ORS 215.710(1) & (2) if:

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

1. Prior to January 1, 1985; or
2. By devise or 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 comprehensive plan and land use regulations and other provisions of law;

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

(F) 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;

(G) A dwelling under this section may be denied if the county determines that the dwelling would:

1. Exceed the facilities and service capabilities of the area;
2. Materially alter the stability of the overall land use pattern in the area.
3. Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(H) The county assessor shall be notified at that the Lot of Record dwelling is intended to be approved.

(I) An approved application for a

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

(J) For the purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

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

2. Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture stating that the soil class, soil rating or other soil designation should be changed; and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

(K) Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

(III) Accessory Farm Dwelling.

(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; and

(A) The accessory farm dwelling will be located:

1. On the same lot or parcel as the primary farm dwelling; or

2. 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; or

3. 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 Records Office 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 rules; or

4. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

5. 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(7); and

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

1. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and in the last two years, or three out of the last five years the lower of the following:

(i) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

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

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

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

3. It is located on a commercial dairy farm as defined by OAR 660-033-0135 (11); and

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

(ii) The Oregon Department of agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.230; and a Producer License for the sale of dairy products under ORS 621.072.

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

(D) An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non farm dwelling.

(E) Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

(IV) Farm relative dwelling.

(1) A dwelling on real property used for farm use, if the dwelling is located on the same lot or parcel as the dwelling of the farm operator; and occupied by a relative, which means grandparent, grandchild, parent, child, sibling, stepparent, step-grandparent,

stepsibling, niece, nephew or first cousin of either the farm operator or the farm operator's spouse, whose assistance in the management of the 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. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(2) Sign and record a Covenant Not to Sue as provided in § 152.059 (M)(j).

(V) Forest Use Dwelling.

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

(VI) Non-farm dwelling.

A non farm dwelling permitted in ORS 215.284 and subject to the following criteria:

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

(2) 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 tract.

(A) A lot or parcel or portion of a lot

or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(B) A lot or parcel or portion of a lot or parcel is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not generally unsuitable. A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominately 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

(C) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not generally unsuitable simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as 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 signify

cant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(3) The dwelling will not materially alter the stability of the overall land use pattern of the area;

(A) In determining whether a proposed non farm dwelling will alter the stability of the overall land use pattern of the area, a county shall consider the cumulative impact of non farm dwellings on other lots or parcels in the area similarly situated by applying the standards setforth in § 152.059(M)(h) (OAR 660-033-0130 (4)(a)(D).) If the application involves the creation of a new parcel for the non-farm dwelling, a county shall consider whether creation of the parcel will lead to creation of other non-farm parcels, to the detriment of agriculture in the area by applying the standards (impact test) setforth in § 152.059(M)(h).

(B) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(4) New easements, private roads or public right-of-ways, must meet at a minimum, the Option 1 design standard as depicted in the County Transportation Plan Figure 7-2A (30 foot right of way with 16 foot travel lane). Whenever possible, new roads should not be placed upon agricultural land as defined by prior policies;

(5) The parcel upon which a non resource dwelling is located and being valued at true cash value for farm use under ORS 308.370 shall meet the requirements in ORS 215.236, including but not limited to:

(A) The site shall be disqualified for farm deferral; and

(B) The tax penalty shall be paid prior to final approval;

(6) If the non farm dwelling site is being created by a land division, the parcel shall comply with the access, improvement requirements, and follow the procedures for land divisions set forth in §§ 152.640 through 152.739, and shall comply with the applicable dimensional standards of § 152.063;

(7) If the request involves the creation of a new parcel containing historic property as defined in ORS 358.480, the original parcel may be reduced below the minimum lot size standard, including an 11% standard deviation;

(8) Sign and record a Covenant Not to Sue as provided in § 152.059(M)(j) .

(VII) Conversion of existing farm related dwelling to a non farm dwelling.

An existing farm related dwelling converted to a farmer retirement dwelling or a non farm dwelling shall be subject to the following criteria:

(1) Meets the non farm dwelling criteria in this section except (f)(2).

(VIII) Impact Test.

In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated.

(1) The county shall 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 area. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non resource uses shall not be included in the study area.

(2) Within the study area identify the broad types of farm uses (irrigated or non irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under 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 non-farm dwellings under this provision.

(3) Determine whether approval of the proposed non-farm/lot of record dwellings together with existing non-farm dwellings will materially alter the stability of the land use

pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(IX) Covenant Not to Sue.

All dwellings approved within the EFU zone require the landowners to 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.

§ 152.060 CONDITIONAL USES PERMITTED.

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

(A) Commercial activities in conjunction

with farm uses but not including the processing of farm crops pursuant to ORS 215.283 (1) (u).

(B) Operations conducted for:

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

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

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

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

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

(C) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.

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

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

(F) Commercial utility facilities for the purpose of generating power for public use by sale. (For specific criteria for Wind Power Generation see Section 152.616 (HHH.) Ord.2002-02

(G) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.

(H) Home occupations operated by a resident or employee of a resident of the property on which the business is located as an accessory use within the dwelling or other buildings customarily provided in conjunction with farm use.

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

(J) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building allowed in the EFU zone as a temporary use for the term of the hardship suffered by the existing resident or relative, as defined in ORS Chapter 215, subject to provisions in §§ 152.575, 152.576 and 152.059 (I)(j) .

(K) Dog kennels on a parcel or tract not meeting the definition of high-value farmland.

(L) A site for the disposal of solid waste

approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value farmland.

(M) The propagation, cultivation, maintenance and harvesting of aquatic species.

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

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

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

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

(R) Living History Museum. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local

historical society as depicted in OAR 660-033-0130 (21).

(S) Operations for the extraction and bottling of water.

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

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

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

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

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

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

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

(W) Transmission towers over 200 feet in height.

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

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

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

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

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

(CC) If review under this Section indicates that the use or activity is inconsistent

with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

§ 152.062 PARCEL SIZES.

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

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

(B) Creation of a non farm dwelling parcel. A parcel may be established for a new non farm dwelling or for an existing farm related dwelling to be converted to a non farm dwelling if the proposed parcel meets the criteria in § 152.059 (I)(f) and follows the procedures and complies with the standards in

§§ 152.640 through 152.739.

(C) Creation of other non farm and conditional use parcels. The minimum lot area for other "non farm" uses permitted in this zone shall be based upon consideration of the following:

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

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

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

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

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

§152.063 DEVELOPMENT STANDARDS.

In the EFU zone, the following dimensional and development standards shall apply:

(A) Minimum parcel frontage. A parcel shall have a minimum street or road frontage of 30 feet.

(B) Front yard setbacks. All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public

or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) Side and rear yard setbacks. Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare and to mitigate possible adverse impacts to adjacent land uses.

(D) Distance maintained from aggregate mining operations. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this

chapter.

(E) Stream setback. To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a floodprone area; and

(c) Location of the proposed

building in compliance with the 100 foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

(F) Other development standards. All development shall be subject to the regulations contained in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.

CONDITIONAL USES/LAND USE DECISIONS

§ 152.610 DEFINITIONS.

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

CONDITIONAL USES. Activities that are similar to other activities permitted within a zone, but are not entirely compatible with the permitted uses or purpose and intent of the zone, or compatible with surrounding land uses on adjacent lands in another zoning district.

LAND USE DECISION. Includes a final decision by a local government concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision, a land use regulation or a new land use regulation. (A Land Use Decision does not include: (1) a decision of a local government which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment; (2) a decision of a local government which approved or denies a building permit issued under clear and objective land use standards.) (Pursuant to ORS 197.015 (10))

§ 152.611 NEW OR ALTERED CONDITIONAL USES; CONFORMANCE WITH REQUIREMENTS; PERFORMANCE BONDS.

(A) Conditional uses listed in this chapter may be permitted, enlarged or altered

contingent upon appropriate authorization, in accordance with the standards and procedures set forth in this subchapter.

(B) In permitting a new conditional use or the alteration of an existing conditional use, the appropriate planning authority may impose conditions, which are considered necessary to protect the best interests of the surrounding area or the county as a whole.

(C) In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use.

(D) The county may require an applicant to furnish the county with a performance bond or such other form of assurance that the county deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE AND LAND USE DECISION APPLICATION.

The procedure for taking action on a conditional use or land use decision application shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a conditional use by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to § 152.767;

(B) A conditional use and land use

decision application shall be processed via administrative review per § 152.769.

(C) A conditional use permit or land use decision will not be approved unless the proposed use of the land will be in conformance with the County Comprehensive Plan;

(D) An applicant granted a conditional use permit or land use decision must obtain a county zoning permit before commencing construction.

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT

(A) A conditional use permit shall be void after one year or such lesser time as the permit may specify unless 20% of the total estimated project cost has occurred or the proposed use has occurred. However, the Planning Director or the proper planning authority may extend authorization for an additional period not to exceed one year, on request from the applicant. The total time allowed shall not exceed two years from the original approval date.

(B) If delay in establishing the use is demonstrably due to a delay by a state of federal agency in issuing a required permit, at no fault of the applicant, the Planning Director or a Designee of the Planning Director may extend the time limit imposed by division (A) of this section for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish that state or federal permits have not yet been issued, and that the delay has not been caused by the applicant.

(C) Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

§ 152.614 LIMIT ON REAPPLICATION.

No application for a conditional use permit shall be considered within one year of the denial of such a request, unless in the opinion of the Hearings Officer, Planning Director or the appropriate planning authority new evidence or a change of circumstances warrant it.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such an environmental effects as noise, vibration, air pollution, glare or odor;

(B) Establishing a special yard, other open space or lot area or dimension;

(C) Limiting the height, size or location of a building or other structure;

(D) Designating the size, number,

location and nature of vehicle access points;

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

(J) Designating the size, height, location and materials for a fence;

(K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources;

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

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

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

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

(1) The activity has direct access to a major state, county or public road;

(2) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties appropriate to reduce detrimental effects may be required. The establishment of a buffer shall consider such factors as prevailing wind, drainage, expansion potential and other factors that may affect the livability of such proposed use of the area;

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

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

(5) Complies with other conditions as deemed necessary.

(B) Airport or landing strips.

(1) The proposed use will not be hazardous to the safety and general welfare of surrounding properties;

(2) The location of the airport or landing strip will not unnecessarily restrict existing or future development of surrounding lands as indicated in the Comprehensive Plan;

(3) The airport or landing strip is located

500 feet from the existing dwellings on adjacent lands;

(4) A site plan is submitted with the application showing topography of the surrounding area, especially those areas in the flight path.

(C) Asphalt plants.

(1) Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(2) Processing equipment shall not be located or operated within 500 feet from a residential dwelling;

(3) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration;

(4) The operation complies with all applicable air, noise, and dust regulations of all county, state or federal jurisdictions; and all state and federal permits are obtained before the activity begins;

(5) Complies with other conditions deemed necessary.

(D) Automobile service station.

(1) The proposed use will not create a traffic hazard;

(2) Access points are well marked and designated through the use of bumper rails or landscaping;

(3) Adequate fire protection measures are taken to limit the danger of fire or explosion such as using buried tank and shut off valves

and keeping flammable materials stored on the place in fire resistant storage containers;

(4) Landscaping around the perimeter of the site, to help screen the use from other adjacent uses, may be required;

(5) Additional setbacks may be required to protect adjacent land uses.

(E) Automobile wrecking yard or junkyard.

(1) The proposed use is compatible with the existing surrounding land uses;

(2) The site is entirely enclosed by a site obscuring fence high enough to block view into the automobile wrecking yard or junkyard from adjacent public rights-of-way, but in any case is not lower than six feet in height;

(3) Landscaping shall be provided around the perimeter of the site;

(4) Lighting shall be directed away from adjacent properties;

(5) Access points shall be clearly defined through the use of additional landscaping or bumper rails;

(6) Complies with other conditions deemed necessary.

(F) Blacksmith machine shop or welding shop.

(1) The activity is conducted wholly within a building;

(2) Outside storage is confined behind a site obscuring fence;

(3) Lighting is directed away from adjacent properties;

(4) Limitation on the hours of operation may be necessary to be compatible with surrounding land uses,.

(G) Boarding of horses for profit; stables.

(1) The activity is compatible with the existing surrounding land uses;

(2) Adequate area is provided for trucks and trailers to turn around, load and unload;

(3) Access roads are of a durable and dustless surface so as to avoid creating dust on adjacent properties;

(4) Adequate fencing and corrals are provided to keep horses on the applicant's property;

(5) Barns, outbuildings, sheds and corrals are kept free of accumulation of manure and other animal wastes that would attract flies and other vermin;

(6) Outside lighting be directed away from adjacent properties, if provided;

(7) Other requirements may be necessary to protect the health, safety, and welfare of the citizens of the county, including location of the use in relation to existing and potential development, the prevailing wind patterns, and limitations on the number of animals to be kept on the property.

(H) Boarding, lodging or rooming house.

(1) The activity will be compatible with existing adjacent land uses;

(2) The residential characteristic of the building is maintained;

(3) Adequate off street parking is provided and in such a manner as to not detract from the residential characteristic of the area;

(4) Suitable methods for fire escape are available for each sleeping room in the house;

(5) Complies with other conditions deemed necessary.

(I) Bunkhouse or farm or forest related dwellings.

Other than principal dwellings, provided that:

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

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

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

(4) Complies with other conditions deemed necessary.

(J) Cemetery.

(1) Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for interment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies;

(2) In establishing a new cemetery,

adequate room for expansion shall be provided;

(3) The site has direct access to a dedicated public or county right of way or state highway;

(4) All roads within the cemetery shall be, at a minimum, an oil mat surface;

(5) The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements;

(6) Landscaping may be required around the perimeter of the site.

(K) Churches.

(1) Such uses may be authorized only upon a finding that sufficient area is provided for the building, required yards, and off street parking. Related structures and uses such as a manse, parochial school, or parish house are considered separate uses and additional lot areas shall be required therefore.

(2) The applicant shall address the following issues in the application:

(a) Location of the site relative to the service area;

(b) Probable growth and needs thereof;

(c) Site location relative to land uses in the vicinity;

(d) Adequacy of access to and from principle street and the probable effect of the proposal on the traffic volume of abutting and nearby streets.

(3) Such uses or related buildings shall be at least 30 feet from a side or rear lot line;

(4) Such uses may be built to exceed the area and the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

(5) Expansion of existing church facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990.

(L) Church Camp.

(1) Adequate off street parking is provided for personal owners and users as prescribed in § 152.560;

(2) The development has access to a dedicated state, county, or public road;

(3) Recorded easements and interior roads shall be improved to a standard approved by the Public Works Director;

(4) Fire prevention measures shall be considered which may include, but are not limited to:

(a) The area surrounding buildings be kept free from litter and debris;

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures.

(5) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the use;

(6) Development plans consider surrounding land uses and be designed to minimize conflicts with scenic values, and other multiple use area development;

(7) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

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

(9) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(10) Complies with other conditions as deemed necessary.

(M) Cold storage.

(1) The activity has direct access to a major state, county or public road;

(2) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential. A buffer or setback area from adjacent properties, appropriate to reduce detrimental effects, may be required. The establishment of a buffer shall consider such proposed use of the area;

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

(4) The operation complies with all

applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained;

(5) Complies with other conditions deemed necessary.

(N) Commercial activities that are in conjunction with farm use. Commercial activities that are in conjunction with farm use, including but not limited to, public grain elevators, feed and seed cleaning and processing facilities, commercial and personal use feedlots, livestock sale yards, commercial agricultural chemical storage tanks, agricultural products for sale commercially, provided that:

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

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

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

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

(5) Be located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to farm dwellings or rural or multiple use zones. An appropriate buffer or setback area may be

required from adjacent properties, to reduce possible detrimental effects. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factors that may affect the livability of such proposed use of the agriculture of the area;

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

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

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

(9) Complies with other conditions as deemed necessary.

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

(1) Use has access to a dedicated state highway, county or public road;

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

(3) Development plans consider surrounding land uses and be designed to minimize conflicts with scenic values and other multiple use development;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) The location is conveniently and centrally located to serve multiple use

designated areas and the traveling public;

(6) Adequate off street parking is provided for employees and customers as prescribed in § 152.560;

(7) Fire protection measures shall be considered which may include, but are not limited to:

(a) The area surrounding buildings be kept free from litter and debris;

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures.

(8) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the business.

(9) Where adjacent to the F or GF Zone, buildings shall be setback at least 200 feet.

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(11) Complies with other conditions deemed necessary.

(P) Commercial amusement facilities.

(1) The activity is compatible with existing surrounding land uses;

(2) Adequate off street parking is provided;

(3) All parking areas shall be of a paved surface;

(4) Lighting shall be directed away from adjacent properties;

(5) The commercial amusement facility shall be completely fenced and may require landscaping around the perimeter of the site to protect adjacent properties;

(6) The site shall have direct access onto a dedicated public or county right of way or state highway;

(7) Access points shall be clearly defined by the use of landscaping or bumper rails;

(8) Litter and debris shall be hauled away within 24 hours after each business day to an approved landfill site;

(9) Limited hours of operation may be required.

(Q) Mining
Commercial gravel pits or extraction, surface mining and processing and the operations conducted for the exploration, mining and processing of geothermal resources, other mineral resources, or other subsurface resources.

(1) Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

1. They shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over

75% of the total land mass and shall be centered on the property.

2. They shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling.

(b) In a new pit.

They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and not exceed 75% of the total land mass.

(2) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

1. Equipment shall not be located within 50 feet of a public road, county road or utility right of way or located further if deemed necessary.

2. Equipment shall not be located within 100 feet from any part of a property line which is adjacent to a residential dwelling or further if deemed necessary.

(b) In a new pit.

Where the use of processing equipment such as crushers, batch plants, and the like, the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer

setback.

(3) All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(4) The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If fencing and/or walls are required, they shall be of a type and color that will blend with the surrounding landscape and existing uses. In all instances above, the placement and design shall effectively screen and site from the public;

(5) Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than one inch equals 400 feet and shall show, but not be limited to, the corners and boundaries of the mining areas; the area to be mined; the location and names of all streams, natural areas, roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and range). If aerial photographs are used as a base, the scale shall be shown;

(6) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed

through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas;

(7) A reclamation plan has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance;

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

(9) Rehabilitation of landscape after the extraction operations are completed. A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation.

(10) All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project;

(11) The activity complies with other conditions deemed necessary which may include, but are not limited to:

- (a) Limitations on lighting;
- (b) Restrictions on the hours of operations;
- (c) Fencing of open pit areas;
- (d) An increase or decrease in required

setbacks;

(e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping.

(f) Off site stockpiling and/or processing if located adjacent to concentration of residential dwellings.

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

(R) Commercial greenhouse or nursery.

(1) The site has direct access to a dedicated public or county right of way or a state highway, and access points are clearly marked through the use of landscaping or fencing;

(2) Buildings will be set back 30 feet from property lines;

(3) Adequate area for parking and loading;

(4) Lighting shall be directed away from adjacent residential properties;

(5) Limitation of the hours of operation and deliveries to the use may be required;

(6) Machinery and other equipment used in the operation of the greenhouse or nursery shall be packed and store in an enclosed building;

(7) Complies with other conditions considered necessary.

(S) Commercial recreation use. Commercial recreation use shall include marina, riding

stable, gun club, resort, motel, lodge, recreational camp, dude ranch, or similar resort type establishment, provided that:

(1) Sufficient off street parking for employees, owners, and patrons is provided according to § 152.560;

(2) Development has access to a dedicated public or county road or to a state highway;

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

(4) The use is designed to minimize conflicts with scenic values, forestry, farm or grazing, and/or other recreational residential developments by requiring buffers and/or screens to reduce noise and visual conflicts;

(5) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the business;

(6) Fire prevention measures be considered which may include, but are not limited to:

(a) Area surrounding buildings be kept free from litter and debris.

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures.

(7) The location is conveniently and centrally located to serve multiple use designated areas and traveling public;

(8) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(9) Easements and interior roads be improved to a standard and follow grades approved by the Public Works Director;

(10) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;

(11) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(12) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

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

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

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

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

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

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

(19) The facility be associated with a unique scenic, historic, or recreational value;

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

(21) Complies with other conditions deemed necessary.

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

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(2) Facility be of a size and design to help

reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a recreational residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a Mountain Recreational or Forest Residential Zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site be maintained free of litter and debris;

(b) Use of non combustible or fire retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

(5) Major transmission towers, poles and similar gear shall consider locations within or adjacent to existing rights-of way in order to take the least amount of timber land out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum a soil disturbance to maintain water quality;

(6) Facility shall not alter accepted timber management operations on adjacent forest land;

(7) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(10) Complies with other conditions deemed necessary.

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

(1) The activity is compatible with the existing surrounding land uses;

(2) Adequate area is available for the activity and expansion of the activity in the future;

(3) Areas used for stockpiling, storing and parking of vehicles are constructed of a durable, all weather surface;

(4) Measures are taken to eliminate dust created by the activity conducted on the site;

(5) Measures are taken to minimize dust and vibration caused by the activity;

(6) Haul roads are constructed on an oil mat surface, at a minimum, and are maintained by the applicant in good repair, as determined by the County Public Works Director;

(7) Complies with other conditions deemed necessary.

(V) Day care or nursery.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) At least 100 square feet of outdoor play area per child is provided;

(4) A sight obscuring fence at least four feet high shall separate the play area from abutting lots;

(5) Landscaping may be a requirement around the site, to buffer it from adjacent uses;

(6) Complies with other conditions deemed necessary.

(W) Drug paraphernalia shop, adult bookstore or adult movie theater (criteria needed here).

(1) The lot on which a drug paraphernalia shop, adult bookstore or adult movie theater, as defined within this chapter, is proposed to be located is not within 500 feet of a church, school, park, playground, nursery, day care center or residential zone.

(2) The lot on which the use is located shall not be closer than 1,500 feet from any lot upon which there is located another such similar use.

(3) The distances prescribed in this division shall be measured along the most direct route on established public ways, including streets, sidewalks and other public passageways, from outer property line to outer property line of the concerned lots.

(4) Such other conditions relating to the exhibition of advertisements, displays, or other promotional or advertising materials visible to the public from the outside of the structure may be necessary to prevent the use from creating an attractive nuisance or blight on the surrounding neighborhood.

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

(1) If a mobile home is to be used, the mobile home shall be skirted and set up to have the appearance of a residential dwelling;

(2) A yard area, including landscaping, shall be maintained around the dwelling;

(3) Any mobile home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;

(4) Complies with other conditions necessary to maintain the integrity of the zoning district.

(Y) Eating or drinking establishment.

(1) The activity will primarily serve the needs of the employees and clientele within the industrial area;

(2) The activity is the most compatible with adjacent land uses;

(3) The site has direct access to a dedicated public or county road or a state highway;

(4) The use is buffered from other adjacent land uses through the use of landscaping or fencing;

(5) Additional setback requirements may be necessary to protect existing adjacent land uses from the activity;

(6) Complies with other conditions deemed necessary.

(Z) Facility for the primary processing of forest products.

(1) The facility is located on the parcel of land or contiguous land where the timber to be processed is grown;

(2) The facility is located away from existing recreational residential development by more than 200 feet;

(3) Where possible, haul roads will avoid existing recreational residential developments.

(4) Within an EFU Zone, the following additional standards as set forth in ORS 215.283(2) (j) shall apply:

(a) Provided that such a facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2), such a facility may be approved for a one year period which is renewable.

(b) These facilities are intended to be only portable or temporary in nature.

(c) 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 method 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 parcel of land or

contiguous land where the primary processing facility is located.

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

(1) The site has direct access to a county, public or state highway;

(2) Ingress and egress are designed so as not to create a traffic hazard;

(3) The activity will provide a service to the agricultural operations located in the area;

(4) The activity is buffered from other adjacent land uses through the use of landscaping or fencing;

(5) Areas for outdoor storage shall be screened from any adjacent residential dwellings;

(6) Complies with other conditions deemed necessary.

(BB) Fertilizer and agricultural chemical sales.

(1) The activity is compatible with existing land use on the surrounding properties;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Haul roads leading to the site shall not be through residential areas unless it is the only available road, and then the hours of operation may be limited;

(4) Additional setbacks from property

lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions necessary to protect adjacent land uses.

(CC) Golf courses and their related services and facilities.

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

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

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

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

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

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

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

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

(9) Certification from an Oregon licensed

engineer shall be submitted that surface runoff will be directed so as not to adversely impact adjacent land.

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

(DD) Grain elevator.

(1) The activity is compatible with the existing land use on the surrounding properties;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Haul roads leading to the elevator shall not be through residential areas unless it is the only available road, and then it may be necessary to limit hours of operation;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions necessary to protect adjacent land uses.

(EE) Grange hall or community center.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) There is adequate area for parking;

(4) Landscaping is provided between the

use and surrounding residential uses;

(5) Adequate building and site design provisions are provided to minimize noise and glare from the building and site;

(6) Complies with other conditions deemed necessary.

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

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has adequate access to and from major transportation facilities, built to a standard that can handle the anticipated traffic generated by the use;

(3) If the site is located within a fire district, adequate fire fighting equipment and water for fire fighting purposes is available as determined by the fire district.

(4) The use is entirely fenced by a security fence of at least six feet in height and landscaping may be required;

(5) The site is located at least one-quarter mile away from any residential dwelling;

(6) Information shall be provided on what type of security will be used to protect the site from break ins and vandalism. This information shall be reviewed by the appropriate local and state police agencies;

(7) Complies with other such conditions as deemed necessary.

(GG) Handling and storage of radioactive waste.

(1) The site will be the most appropriate location for the handling or storage of radioactive waste considering land and soil conditions, geological hazards, potential for groundwater contamination, the water table in the area, prevailing winds and the surrounding land uses;

(2) The site has adequate access to and from major transportation facilities, built to a standard that can handle the anticipated traffic generated by the use;

(3) The site shall be at least one mile from the nearest residence;

(4) The entire site shall be fenced and security measures shall be provided and approved by the appropriate local and state police agencies;

(5) Monitoring equipment shall be installed and maintained in perpetuity by the operator of the facility or any successor of the operator;

(6) A map of the drainage area where the facility is to be located shall accompany the application along with information as to the volume of water that the drainage can handle and the measures necessary to protect the site from flooding, soil erosion, or inundation by water from these drainages;

(7) The request shall comply with all applicable state and federal regulations that may now or hereafter exist concerning the disposal or storage of radioactive waste;

(8) Complies with other such conditions as deemed necessary.

(HH) Hauling, freighting or trucking yard or

terminal.

(1) The activity is compatible with adjacent land uses;

(2) The site has direct access to a dedicated public or county road or a state highway;

(3) Limited hours of operation may be imposed if residential uses are adjacent or along the main travel route to the use;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions necessary to protect adjacent land uses.

(II) Home occupations/cottage industry.

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

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

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

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

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

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

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

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

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

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

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

(1) The activity is compatible with

adjacent farm, forest, rural residential or multiple use uses;

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

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

(4) Be located at least one-quarter mile from the nearest residential dwelling;

(5) Be of a size and design to help reduce noise, odor or other detrimental effects when located near residential dwellings or to rural or multiple use zones and complies with the following standards:

(a) Adequate structures, adequate corrals, or adequate fencing shall be provided for all animals;

(b) In all cases the structures and enclosures must be kept reasonably free and clean of flies and accumulated materials and shall obtain all necessary permits from and be subject to applicable federal, state and local Health Department regulations;

(c) Design the activity so it shall direct surface runoff in a manner that will not adversely impact adjacent lands;

(d) Be located 500 feet from an adjacent landowner's property line and be limited to 75% of the total parcel;

(6) The activity and related structures are a minimum of 100 feet from a stream, river, or

irrigation canal;

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

(8) Complies with other conditions as deemed necessary.

(KK) Kennels or dog pounds.

(1) The activity is compatible with the existing surrounding land uses;

(2) Building and site design provisions are adequate to minimize noise and odors caused by the activity;

(3) The site has direct access to a dedicated public or county right of way or state highway;

(4) A site-obscuring fence or hedge may be required to protect adjacent land uses;

(5) Adequate area is provided for parking and the loading and unloading of animals, especially those large animals requiring trucks to transport them;

(6) All kennels, runs, or pens shall be completely enclosed and shall be constructed of masonry, concrete or other such materials as shall provide for cleanliness, ease of maintenance and sound and noise control. Fencing to be used will be of an industrial grade quality and not aluminum.

(7) All kennels, runs and other facilities shall be designed, constructed and located on the site in a manner that will minimize and adversely affect upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to

the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences on nearby properties, and other similar factors.

(8) The owner or operator to the kennel or pound shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be maintained in such a manner that they will provide a breeding place for insects, vermin or rodent.

(9) The advice of the County Health Officer, officials of humane societies and veterinarians may be requested before approving a dog kennel or pound.

(10) Meet the requirements of Oregon Administrative Rules 603, Division 15 (Care of Pets and Captive Animals).

(11) The kennel shall be at least 100 feet from a property line and 500 feet from the nearest residence other than the owner's or applicant's home, provide it is on the a same lot as the proposed kennel.

(12) No dog kennel shall occupy a front yard area of a lot.

(13) The kennel shall be enclosed by a perimeter fence.

(14) Complies with other conditions deemed necessary.

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

(1) The site has adequate access to and from major transportation facilities, built to a

standard that can handle the anticipated traffic generated by the use;

(2) Adequate areas for parking of employees and visitors is available and provided;

(3) The industry shall address the impact to the public facilities in the area, including:

(a) Number of employees plus anticipated family members that will reside in the county;

(b) Number of school age children that could be expected to be added to the school district where the plant is located;

(c) Amount of water available for fire fighting if the activity is located within a rural fire district;

(d) What type of security will be provided and the impact it will have on state and county police protection;

(e) Provision for first aid and methods of evacuating injured personnel;

(f) Type of sewage disposal system to be used with a preliminary report from the DEQ on the suitability of the soils for sewage disposal; and if an existing community sewage system is to be used, the impacts on that system;

(g) The impact the activity will have on storm drainage and how storm drainage will be removed;

(h) What effect the activity will have on existing energy providers (i.e. electricity, gas, oil, coal);

(i) What effect the activity will have on communication networks in the area (i.e. telephone, telegraph, radio, phone).

(4) Complies with other conditions deemed necessary.

(MM) Mini warehouses.

(1) There shall be a minimum of two acres for the use;

(2) Parking requirements shall require one parking space for each 10 storage cubicles;

(3) A minimum six foot high fence shall be required around the entire perimeter of the site;

(4) Outdoor lighting shall be directed away from residentially zoned areas;

(5) Landscaping may be required around part or all of the site;

(6) The site shall have direct access to a dedicated public or county road or state highway;

(7) All outdoor storage shall be screened from view to surrounding properties;

(8) All parking areas and travel lanes shall be, at a minimum, constructed of an oil mat surface;

(9) A minimum of 25 feet shall be provided between buildings to allow room for off-loading and travel lanes.

(NN) Mobile home parks or travel trailer parks.

(1) The request shall comply with all the rules and regulations of the State of Oregon set forth in ORS Chapter 446 and the Department of Commerce Building Codes Division Mobile Home Park Standards, prior to the construction of the proposed park;

(2) In addition to the above requirements, an applicant shall comply with the following regulations:

(a) Location of development. Each mobile home park or travel trailer park shall have direct access to a dedicated public or county road or state highway.

(b) Dimensional standards:

1. Development.

No mobile home park or travel trailer park shall be created on a parcel of less than five acres in area;

2. Spacing. Each mobile home site shall be large enough to accommodate the mobile home and maintain a minimum of 15 feet side to side and end to end between mobile homes; 10 feet between a mobile home and a building; five feet between a mobile home and a property line; and 10 feet between a mobile home and awning, carport, cabana or ramada of an adjacent space;

3. Density. The gross density of each mobile home park or subdivision shall be that required to receive Oregon State Health Division and Department of Environmental Quality approval, but in no event shall the density exceed six mobile homes per gross acre;

4. Minimum lot area. Mobile homes, 3,000 square feet per mobile home; travel trailer, 1,200 square feet per travel

trailer;

5. Minimum lot width. Mobile homes, 40 feet per lot; travel trailers, 30 feet per lot;

(c) Parking space requirements.

1. Two parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof inside the development, which shall be not less than nine by 20 feet in size and surfaced with at least four inches of screened gravel or crushed rock, size 1½" 0;

2. Guest parking shall also be provided in every mobile home park based on a ratio of one parking space for each four mobile home sites. Such parking shall be surfaced with at least four inches of screened gravel or crushed rock, size 1½" 0 and shall be clearly defined and identified.

(d) Signs.

1. One sign conforming to the underlying zone may be allowed to designate the name of the mobile home park. The sign shall conform to all applicable standards listed in this chapter;

2. Incidental signs for the information and convenience of tenants and the public, relative to parking, traffic movement, office, lavatories, and the like, are allowed, providing such signs do not exceed three square feet in size;

3. No advertising signs of any other character shall be permitted;

(e) Fencing and landscaping.

1. There shall be suitable landscaping provided along all boundaries of the mobile home park site that abut on public roads or property lines that are common to other owners of property, except for points on ingress and egress;

2. All plantings shall be maintained in a healthy living condition for the life of the mobile home park. All initial walls, fences and evergreen planting shall be approved by the Planning Commission at the time of approval of the development;

3. There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used;

4. The entire perimeter of the park, except driveway, shall be enclosed by a minimum six foot high site obscuring fence.

(f) Access, park streets and walkways.

1. Access. A mobile home park or subdivision shall not be established on any site that does not have frontage on and access to a county or public road which has a minimum right of way width of 50 feet;

2. Park streets. A private street shall connect each mobile home site to a county road;

3. Walkways. Gravel walkways of not less than three feet in width shall be provided from each mobile home site to any service buildings and recreation area;

4. Surfacing. All streets within a mobile home park or subdivision shall be surfaced to County Road Department Standards, and the width of the paved surface shall be 20 feet for

any way streets with parking or two way streets without parking, or shall be 30 feet for two way streets with parking on one side only;

5. Curbs and gutters. Curbs and gutters shall be provided as needed on both sides of all streets within a mobile home park or subdivision.

(g) Other site requirements.

1. Recreational area. Two hundred square feet of recreational area shall be provided for each mobile home site. This area may be in one or more locations in the park and shall be suitably improved and maintained for recreational purposes;

2. Pad improvements. Mobile home pads or stands shall be paved with asphalt or concrete surfacing or with crushed rock contained with concrete curbing;

3. Accessories. Structures located on a mobile home site, in addition to the mobile home, shall be limited to the normal accessories such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner;

4. State requirements. Rules and regulations governing mobile home facilities as contained in ORS Chapter 446, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers Accommodations and Tourist Parks," adopted by the Oregon State Board of Health, shall be applicable in the development and operation of a mobile home park; provided, however, that the provisions of this chapter shall prevail where said provisions are more stringent than

those imposed by state law, rules or regulations.

(h) Site plan submission requirements. The application for a conditional use permit to construct a new mobile home park shall be accompanied by a reproducible print and four copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park and should be drawn to a scale not smaller than one inch representing 50 feet. The drawing shall show the following information:

1. Name of the person who prepared the plan;
2. Name of the mobile home park and address;
3. Scale and north point of the plan;
4. Vicinity map showing relationship of mobile home park to adjacent properties;
5. Boundaries and dimensions of the mobile home park;
6. Location and dimensions of each mobile home site (designate each site by number, letter, or name);
7. Location and dimensions of each existing or proposed building;
8. Location and width of park streets;
9. Location and width of walk-ways;
10. Location of each lighting fixture, if any, for lighting the mobile home park;
11. Location of recreational areas and

building, and area of recreational space;

12. Location and type of landscaping plantings;

13. Location of water source and subsurface disposal system;

14. Location of available fire and irrigation hydrants;

15. Location of public telephone service for the park;

16. Enlarged plot plan of a typical mobile home site, showing the pad, patio, storage space, a parking sidewalk, utility connections and landscaping.

(g) General.

1. All mobile homes in a park shall be skirted around their entire perimeter by a fire resistant siding and shall have an "Insignia of Compliance" seal from the Department of Commerce;

2. Overnight spaces. Not more than 5% of a mobile home park area may be use to accommodate persons wishing to park their mobile homes or camping vehicles overnight;

3. Bond requirements. The posting of a bond for the fulfillment of any requirements of these standards may be required. The bond shall be posted, determined, and used if necessary, according to the provisions of this chapter;

4. An occupied, abandoned or unoccupied home may by abated if it constitutes a menace to the public health, safety and welfare, thereby rendering it as a

public nuisance.

(OO) Model home.

(1) The residential characteristic of the area shall be maintained;

(2) The exterior of the house shall maintain a residential appearance;

(3) Yard areas shall be landscaped and maintained;

(4) No sign shall be allowed except for one freestanding sign that conforms to a Type 5 sign as described in § 152.546 of this chapter and by a ruling of the appropriate planning;

(5) Complies with other conditions deemed necessary.

(PP) Petroleum products sales and storage.

(1) The activity is compatible with the existing land use on the surrounding properties;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Haul roads leading to the site shall not be through residential areas unless it is the only available road and then the hours of operation may need to be limited;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions deemed necessary to protect adjacent land

uses.

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

(1) Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

(2) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(3) The use is sited where a unique scenic or recreational value exists or is documented or conveniently serves the rural or regional populace;

(4) Road construction be consistent with the intent and purposes set forth in the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(5) Fire protection measures be considered which may include, but are not limited to:

(a) Area surrounding use be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(6) Facility is designed not to materially alter the stability of the overall land use pattern of the area;

(7) Adequate off street parking is provided for users as prescribed in § 152.560;

(8) Is situated upon generally unsuitable land for the production of farm crops, considering the terrain, soil or land conditions, flooding, vegetation, location of the tract;

(9) Has an adequate quantity and quality of water and approved surface or sanitary disposal system from the DEQ, and adequate provisions of solid waste disposal;

(10) Complies with other conditions as deemed necessary.

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

(1) No aircraft shall be based on a personal use airport other than those owned or controlled by the owner of the airstrip;

(2) A site plan is submitted with the application showing topography of the surrounding area;

(3) The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(6) Facility be located 500 feet from

existing dwellings on adjacent properties;

(7) The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;

(8) Complies with other conditions deemed necessary.

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

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

(b) No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip.

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

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

(SS) Public or semi public use.

(1) New access roads and easements shall be improved to a standard recommended by the Public Works Director;

(2) Road construction shall be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;

(3) Development plans shall consider surrounding land uses and be designed to minimize conflicts with scenic values, forest, farm or grazing, and/or other recreational residential development;

(4) The development is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Fire prevention measures shall be considered which may include, but are not limited to:

(a) Area surrounding buildings be kept free from litter and debris;

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures;

(6) Structural design shall consider visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the use;

(7) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(8) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry

regulations;

(9) The development has access to a dedicated state, county or public road;

(10) Adequate off street parking is provided for employees, owners and users as prescribed in § 152.560;

(11) Complies with other conditions as deemed necessary.

(TT) Recreational resort facilities. Recreational resort facilities including, but not limited to, ski and winter sports facilities, dude ranches, hot springs, resorts, and their related services and facilities (e.g. overnight accommodations and lodges, riding stables and horse trails, gift shops, eating facilities):

(1) Sufficient off street parking for employees, owners, and patrons is provided according to § 152.560;

(2) The development has access to a dedicated state, county, or public road;

(3) Easements and interior roads shall be improved to a standard and follow grades approved by the Public Works Director;

(4) Road construction shall be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;

(5) Facility shall be designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(6) Facility shall be of a size and design to

help reduce noise or other detrimental effects when located adjacent to farm, forest, and grazing dwelling(s) or recreational residential or forest residential zones;

(7) Facility does not alter accepted timber management operations on adjacent forest land, nor farm practices on adjacent farm or grazing lands;

(8) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(9) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(10) Facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site shall be maintained free of litter and debris;

(b) Use of non combustible or fire retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

(11) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the use;

(12) The location is conveniently or centrally located to serve the traveling public;

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

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

(15) Certification from an Oregon licensed engineer shall be submitted showing that adequate water supplies are available for both domestic and fire suppression use;

(16) A favorable site suitability report from the Department of Environmental Quality shall be obtained for the proposed use(s) and shall be submitted with the application;

(17) The facility be associated with a unique, scenic, historic or recreational value;

(18) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(19) Certification from an Oregon licensed engineer shall be submitted showing that surface runoff will be directed so as not to adversely impact adjacent land;

(20) Complies with other conditions deemed necessary.

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

(1) The activity is compatible with existing adjacent land uses;

(2) Adequate area for off street parking is provided for both employees and visitors;

(3) Landscaping shall be provided and

maintained around the perimeter of the activity and through the open area;

(4) Suitable methods for fire escape are available for each room in the home;

(5) Complies with other conditions deemed necessary.

(VV) Retail and service commercial.

(1) The activity is compatible with existing adjacent land uses;

(2) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. Large commercial activities catering to regional needs shall not be allowed;

(3) The site has direct access to a dedicated public or county road or a state highway;

(4) Fencing or landscaping to screen the activity from other adjacent land uses may be required;

(5) Complies with other conditions deemed necessary.

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

(1) Adequate off-street parking is available on the site;

(2) Access points are clearly marked through the use of bumper rails or landscaping;

(3) Buildings on the site are designed so as to be aesthetically pleasing and to fit into

the residential characteristics of the neighborhood;

(4) Outside lighting, if used, shall be directed away from adjacent residential uses;

(5) Landscaping around the stand to screen the use from other adjacent residential uses may be required;

(6) Sales shall be limited to products raised on the owner's property and not other retail items brought in from other sources;

(7) Complies with other conditions deemed necessary.

(XX) Sand or gravel storage yard.

(1) The activity is the most appropriate use of the site and is compatible with adjacent land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Access points into the site are clearly marked through the use of fencing, bumper rails or landscaping;

(4) The site may be required to be completely fenced;

(5) Complies with other conditions deemed necessary.

(YY) Schools

(1) The site has direct access to a dedicated public or county road or a state highway;

(2) Adequate off street area is available for the loading and unloading of vehicles and buses carrying school children;

(3) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

(4) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;

(5) Complies with other conditions deemed necessary.

(6) Expansion of existing school facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990.

(ZZ) Slaughter house.

(1) The activity is compatible with the existing land use on the surrounding properties;

(2) The activity is located no closer than 1,000 feet from an existing residential dwelling;

(3) The site has direct access to a dedicated public or county road or state highway;

(4) Landscaping or buffer is provided around the use;

(5) All structures and enclosures designed to handle animals or fowls, dead or alive, shall be kept reasonably free and clear of flies and accumulated materials and shall be required to obtain all necessary local, state and federal

permits relating to health regulations;

(6) Complies with other conditions as deemed necessary.

(AAA) Tire recapping.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a public or county road or state highway;

(3) All equipment and materials shall be kept within a building or behind a site obscuring fence;

(4) The applicant shall make provision to eliminate, as far as practical, odors, noise and dust which emanate from the activity;

(5) Additional setbacks from property lines may be required to ensure compatibility with adjacent land uses;

(6) The area around the building has, as a minimum, an oil mat surface;

(7) Complies with other conditions deemed necessary.

(BBB) Truck stop or trucking terminal.

(1) The activity is compatible with the existing surrounding land uses;

(2) The activity will not create a traffic hazard;

(3) Access points are well marked and designated through the use of bumper rails or landscaping;

(4) Landscaping around the perimeter of the site may be required to help screen the use from other adjacent uses;

(5) Additional setback requirements may be required to protect adjacent land uses;

(6) Complies with other conditions deemed necessary.

(CCC) Utility facility.

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

(2) The facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to recreational residential dwellings;

(3) The facility may be required to be fenced, landscaped or screened;

(4) The facility does not materially alter the stability of the overall land use pattern of the area;

(5) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non combustibile or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustibile

materials within 30 feet of structures;

(6) Major transmission tower, poles and similar gear shall consider locations within or adjacent to existing rights of way in order to take the least amount of timberland out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum soil disturbance to maintain water quality;

(7) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(11) Complies with other conditions deemed necessary.

(DDD) Veterinary clinic or animal hospital.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Adequate area is available for off

street parking, the unloading of animals, and the maneuvering of large vehicles;

(4) Access points are clearly marked through the use of bumper rails, fencing or landscaping;

(5) Landscaping may be required to buffer the lot from adjacent and uses;

(6) Complies with other conditions deemed necessary.

(EEE) Wholesale business, storage building or warehouse.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Access points to the road are well marked through the use of bumper rails, fencing or landscaping;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Limited hours of operation may be imposed if residential uses are adjacent or along the main travel route to the use;

(6) Complies with other conditions necessary to protect adjacent land uses.

(FFF) Wineries. Wineries in EFU Zones are subject to the following standards, contained in ORS 215.452.

(1) A WINERY is a facility that produces

wine, and that is allowed to sell wine produced by the winery as well as items directly related to wine, the sales of which are incidental to on site retail sale of that wine, including limited restaurant service.

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

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

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

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

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

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

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

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

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

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

(4) The following development standards

shall be applied:

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

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

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

(d) All truck loading and maneuvering areas shall be located off the public right of way.

(GGG) Wood processing facilities.

(1) The site has direct access to a dedicated public or county road or state highway;

(2) Access roads are durable, dustless and adequate to handle the traffic generated by the activity as determined by the County Public Works Director;

(3) Log decks and equipment storage shall be set back at least 20 feet from property lines;

(4) The activity shall address the impacts to public facilities in the area, including:

(a) Amount of water available for fire fighting if the activity is located in a rural fire

district;

(b) What type of security will be provided and the impacts it will have on state and county police protection;

(c) Type of sewage disposal system to be used together with a preliminary report from the DEQ on the suitability of the soils for sewage disposal; and if a community sewage system is to be used, the impacts on that system;

(d) Provisions for first aid and methods of evacuating injured workers;

(e) The impact the activity will have on storm drainage and how storm drainage will be removed;

(5) Complies with other conditions deemed necessary.

(HHH) Wind Power Generation Facility

(1) The procedure for taking action on the siting of a facility is a request for a conditional use. A public hearing pursuant to Sections 152.750-755 and 152.771 shall be held to determine if the applicant meets the siting requirements for a Wind Power Generation Facility. The requirement for a hearing will not apply to proposed facilities for which EFSC is making the land use decision.

(2) The following information shall be provided as part of the application:

(A) A general description of the proposed Wind Power Generation Facility, a tentative construction schedule, the legal description of the property on which the facility will be located, and identification of

the general area for all components of the proposed Wind Power Generation Facility, including a map showing the location of components.

(B) Identification of potential conflicts, if any, with: (1) Accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses; (2) Other resource operations and practices on adjacent lands except for wind power generation facilities on such adjacent lands; and (3) Accepted farm or forest practices on surrounding EFU/GF or NR land, including the nature and the extent of the impact of the proposed facility on the cost of such practices.

(C) A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in the Umatilla County Transportation System Plan (TSP) and the transportation impacts of the proposed Wind Power Generation Facility upon the local and regional road system during and after construction, after consultation with Umatilla County Public Works Director. The plan will designate the size, number, location and nature of vehicle access points.

(D) An avian impact monitoring plan. The avian monitoring plan shall be designed and administered by the applicant's wildlife professionals. For projects being sited by EFSC, compliance with EFSC's avian monitoring requirements will be deemed to meet this requirement. The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons:

- (1) The landowners/farm tenants.
- (2) Facility owner/operator representative. (Chair)
- (3) Oregon Department of Fish and

Wildlife representative, if the agency chooses to participate.

(4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners.

(5) U.S. Fish and Wildlife representative, if the agency chooses to participate.

(6) Umatilla County Planning Commission member.

At the request of applicant, this committee requirement may be waived or discontinued by the County.

(E) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS 30.930. The applicant shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

(F) A fire prevention and emergency response plan for all phases of the life of the facility. The plan shall address the major concern associated with the terrain, dry conditions, and limited access.

(G) An erosion control plan, developed in consultation with the Umatilla County Public Works Department. The plan should include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and rehabilitation with an appropriate mix of native vegetation or vegetation suited to the area. This requirement will be satisfied if the applicant has an NPDES (National Pollution Discharge

Elimination System) permit.

(H) A weed control plan addressing prevention and control of all Umatilla County identified noxious weeds directly resulting from the Wind Power Generation Facility during preparation, construction, operation and demolition/rehabilitation.

(I) A socioeconomic impact assessment of the Wind Power Generation Facility, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities and/or individuals. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed as problematic, decision makers need information about the socioeconomic impacts that are likely to occur.

(J) If the Wind Power Generation Facility exceeds 20 acres in size, a Goal 3 exception is required as found in OAR 660-033-0130 (22).

(K) Information pertaining to the impacts of the Wind Power Generation Facility on: (1) Wetlands; (2) Wildlife (all potential species of reasonable concern); (3) Wildlife Habitat; (4) Criminal Activity (vandalism, theft, trespass, etc.) and proposed actions, if any, to avoid, minimize or mitigate negative impacts.

(L) A dismantling and decommissioning plan of all components of the Wind Power Generation Facility, as provided in '152.616 (HHH)(7).

(3) Umatilla County may impose clear and objective conditions in accordance with the

County Comprehensive Plan, County Development Code and state law, which Umatilla County considers necessary to protect the best interests of the surrounding area, or Umatilla County as a whole.

(4) Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. Umatilla County Zoning Permit, road access and other permits from the Umatilla County Public Works Department, and from the Oregon Department of Transportation.

(5) The following requirements and restrictions apply to the siting of a facility:

(A) The Wind Power Generation Facility shall be on property zoned EFU/GF or NR, and no portion of the facility shall be within 3,520 feet of properties zoned residential use or designated on the Comprehensive Plan as residential. (For clarification purposes of this section, EFU/GF/NR zones are not considered zoned for residential use.)

(B) Reasonable efforts shall be made to blend the wind facility's towers with the natural surrounding in order to minimize impacts upon open space and the natural landscape.

(C) Reasonable efforts shall be taken to protect and to preserve existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

(D) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

(E) The turbine towers shall be of a size and design to help reduce noise or other

detrimental effects.

(F) Private access roads shall be gated to protect the facility and property owners from illegal or unwarranted trespass, and illegal dumping and hunting.

(G) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

(H) Required permanent maintenance/operations buildings shall be located off-site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on-site if (1) the building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and (2) the building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of '152.616 (HHH)(7).

(I) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Facilities delineated in OAR 345-024-0010 (as adopted at time of application).

(6) To the extent feasible, the county will accept information presented by an application for an EFSC proceeding in the form and on the schedule required by EFSC.

(7) The applicants dismantling of uncompleted construction and/or decommissioning plan for the Wind Power Generation Facility shall include the following

information:

(A) A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.

(B) A description of actions the facility owner proposes to take to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

(C) A current detailed cost estimate, a comparison of that estimate with present funds set-aside for dismantling or decommissioning, and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the facility owner/operator on a 5 year basis.

(D) Restoration of the site shall consist of the following:

(1) Dismantle turbines, towers, pad-mounted transformers, meteorological towers and related aboveground equipment. All concrete turbine pads shall be removed to a depth of at least three feet below the surface grade.

(2) The underground collection and communication cables need not be removed

if at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(3) Gravel shall be removed from areas surrounding turbine pads.

(4) Access roads shall be removed by removing gravel and restoring the surface grade and soil.

(5) After removal of the structures and roads, the area shall be graded as close as reasonably possible to its original contours and the soils shall be restored to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include planting by applicant of native plant seed mixes, planting by applicant of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Umatilla County.

(6) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Umatilla County indicating said land owner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

(E) The applicant (facility owner/operator) shall submit to Umatilla County a bond or letter of credit acceptable to the County, in the amount of the decommissioning fund naming Umatilla County and the landowner as beneficiary or payee.

(1) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of

commerce, Bureau of Economic Analysis, or any successor agency (the Aindex.@). The amount of the bond or letter of credit account shall be increased at such time when the cumulative percentage increase in the Index exceeds 10 percent from the last change, and then the amount shall be increased by the cumulative percentage increase. If at any time the Index is no longer published, Umatilla County and the applicant shall select a comparable calculation of present year dollars. The amount of the bond or letter of credit account shall be pro-rated within the year to the date of decommissioning.

(2) The decommissioning fund shall not be subject to revocation or reduction before decommissioning of the Wind Power Generation Facility.

(3) The facility owner/operator shall describe the status of the decommissioning fund in the annual report submitted to the Umatilla County.

(F) If any disputes arise between Umatilla County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request non-binding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.

(G) For projects sited by EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with the dismantling and decommissioning requirements of this Section 152.616 (HHH)(7).

(8) A bond or letter of credit shall be

established for the dismantling of uncompleted construction and/or decommissioning of the facility. (See §152.616 (HHH)(7)) For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

(9) The actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines, and transmission lines, shall be provided to Umatilla County once commercial electrical production begins.

(10) A summary of as built changes in the facility from the original plan, if any, shall be provided by the owner/operator.

(11) (A) The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the facility does not exceed the boundaries of the Umatilla County conditional use permit where the original facility was constructed.

(B) An amendment to the conditional use permit shall be required if proposed facility changes would: (1) Increase the land area taken out of agricultural production by an additional 20 acres or more; (2) Increase the land area taken out of agricultural production sufficiently to trigger taking a Goal 3 exception; (3) Require an expansion of the established facility boundaries; (4) Increase the number of towers; (5) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity. Notification by the facility owner/operator to the Umatilla County Planning Department of changes not

requiring an amendment are encouraged, but not required. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by EFSC.

(12) Within 120 days after the end of each calendar year the facility owner/operator shall provide Umatilla County an annual report including the following information:

(A) Energy production by month and year.

(B) Non-proprietary information about wind conditions. (e. g. monthly averages, high wind events, bursts)

(C) A summary of changes to the facility that do not require facility requirement amendments.

(D) A summary of the avian monitoring program – bird injuries, casualties, positive impacts on area wildlife and any recommendations for changes in the monitoring program.

(E) Employment impacts to the community and Umatilla County during and after construction.

(F) Success or failures of weed control practices.

(G) Status of the decommissioning fund.

(H) Summary comments – any problems with the projects, any adjustments needed, or any suggestions.

The annual report requirement may be discontinued or required at a less frequent schedule by the County. The reporting requirement and/or reporting schedule shall be

reviewed, and possibly altered, at the request of the facility owner/operator. For facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

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

(I) EFU CONDITIONAL USES

(A) Asphalt plants.

(1) Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(2) Processing equipment shall not be located or operated within 500 feet from a residential dwelling;

(3) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration;

(4) The operation complies with all applicable air, noise, and dust regulations of all county, state or federal jurisdictions; and all state and federal permits are obtained before the activity begins;

(5) New plants proposed on EFU zoned lands. Plants that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted Vineyard totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(6) Complies with other conditions deemed necessary.

(B) Commercial Activities in Conjunction with Farm Use.

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

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

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

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

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

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

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

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

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

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

(10) Complies with other conditions as deemed necessary.

(C) Commercial Utility Facilities.

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

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(2) Facility be of a size and design to help

reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a recreational residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a Mountain Recreational or Forest Residential Zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site be maintained free of litter and debris;

(b) Use of non combustible or fire retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

(5) Major transmission towers, poles and similar gear shall consider locations within or adjacent to existing rights-of way in order to take the least amount of timber land out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum a soil disturbance to maintain water quality;

(6) Facility shall not alter accepted timber management operations on adjacent forest land;

(7) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(8) Access roads or easements be improved to the County's Transportation Plan standards and follow grades recommended by the Public Works Director;

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(10) Complies with other conditions deemed necessary.

(D) Community Centers.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) There is adequate area for parking;

(4) Landscaping is provided between the use and surrounding residential uses;

(5) Adequate building and site design provisions are provided to minimize noise and glare from the building and site;

(6) Complies with other conditions deemed necessary.

(E) Composting Facilities.

Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020, and which are not facilities that are a "farm use" as defined OAR 660-033-0020(7), or proposed to be located on

farmland meeting the definition of high-value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3).

(1) Buildings and facilities used for the composting operation shall only be those required for the operation of the subject facility.

(2) On site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(3) Complies with other conditions deemed necessary.

(F) Destination Resorts.

Destination resorts consistent with the requirements of Goal 8 and the following:

(1) Sufficient off street parking for employees, owners, and patrons is provided according to § 152.560;

(2) Development has access to a dedicated public or county road or to a state highway;

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

(4) The use is designed to minimize conflicts with scenic values, forestry, farm or grazing, and/or other recreational residential developments by requiring buffers and/or screens to reduce noise and visual conflicts;

(5) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the business;

(6) Fire prevention measures may include, but are not limited to:

(a) Area surrounding buildings, kept free from litter and debris;

(b) Fire resistant construction materials or materials treated with a fire retardant substance;

(c) Removal of combustible fuels within 30 feet of structures.

(7) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(8) Easements and interior roads shall be improved to the County's Transportation Plan standards and follow grades approved by the Public Works Director;

(9) Road construction in multiple use areas shall be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to help minimize soil disturbance and help maintain water quality;

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(11) Facility shall adequately protect fish and wildlife resources by meeting Oregon State Department of Forestry regulations;

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

(13) Certification from an Oregon licensed engineer that adequate water supplies are

available for both domestic and fire suppression use;

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

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

(16) The facility be associated with a unique scenic, historic, or recreational value;

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

(18) Complies with other conditions deemed necessary.

(G) Golf courses and their related services and facilities.

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

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

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

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

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

(6) Fencing and landscaping shall be

required around the perimeter of the use to reduce trespass and litter onto adjacent farm, forest, rural residential and forest or mountain residential use;

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

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

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

(H) Home Occupations/Cottage Industry.

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

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

(3) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural

alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

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

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

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

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

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

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

(I) Kennels.

(1) The activity is compatible with the existing surrounding land uses;

(2) Building and site design provisions are adequate to minimize noise and odors caused by the activity;

(3) The site has direct access to a

dedicated public or county right of way or state highway;

(4) A site-obscuring fence or hedge may be required to protect adjacent land uses;

(5) Adequate area is provided for parking and the loading and unloading of animals, especially those large animals requiring trucks to transport them;

(6) All kennels, runs, or pens shall be completely enclosed and shall be constructed of masonry, concrete or other such materials as shall provide for cleanliness, ease of maintenance and sound and noise control. Fencing to be used will be of an industrial grade quality and not aluminum.

(7) All kennels, runs and other facilities shall be designed, constructed and located on the site in a manner that will minimize and adversely affect upon the surrounding properties. Among the factors that shall be considered, are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences on nearby properties, and other similar factors. Kennels are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(8) The owner or operator of the kennel or pound shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be maintained in such a manner that they will provide a breeding place for insects, vermin or rodent.

(9) The advice of the County Health

Officer, officials of humane societies and veterinarians may be requested before approving a dog kennel or pound.

(10) Meet the requirements of Oregon Administrative Rules 603, Division 15 (Care of Pets and Captive Animals.)

(11) The kennel shall be at least 100 feet from a property line and 500 feet from the nearest residence other than the owner's or applicant's home, provide it is on the a same lot as the proposed kennel.

(12) No dog kennel shall occupy a front yard area of a lot.

(13) The kennel shall be enclosed by a perimeter fence.

(14) Complies with other conditions deemed necessary.

(J) Living History Museum.

(1) A living history museum shall be related to resource based activities and shall be owned and operated by a government agency or a local historical society.

(2) 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.

(3) The site has direct access to a dedicated public or county road or state

highway;

(4) There is adequate area for parking;

(5) Landscaping shall be provided between the use and any surrounding residential uses;
(K) Mining

Commercial gravel pits or extraction, surface mining and processing and the operations conducted for the exploration, mining and processing of geothermal resources, other mineral resources, or other subsurface resources.

(1) Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

1. They shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over 75% of the total land mass and shall be centered on the property.

2. They shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling.

(b) In a new pit. They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and not exceed 75% of the total land mass.

(2) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

1. Equipment shall not be located within 50 feet of a public road, county road or utility right of way or located further away if deemed necessary.

2. Equipment shall not be located within 100 feet from any part of a property line, which is adjacent to a residential dwelling or further if deemed necessary.

(b) In a new pit. Where the use of processing equipment such as crushers, batch plants, and the like, the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback.

(3) All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(4) The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If, fencing and/or walls are required, they shall be of a type and color that will blend with the surrounding landscape and existing uses. In all instances above, the placement and design shall effectively screen and site from the public;

(5) Legible copies of a detailed site plan

shall be submitted. Such site plans shall have a horizontal scale that is no smaller than one inch equals 400 feet and shall show, but not be limited to, the corners and boundaries of the mining areas; the area to be mined; the location and names of all streams, natural areas, roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and range). If aerial photographs are used as a base, the scale shall be shown;

(6) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas;

(7) A reclamation plan has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance;

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

(9) Rehabilitation of landscape after the extraction operations are completed. A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the

health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation.

(10) All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project;

(11) The activity complies with other conditions deemed necessary, which may include, but are not limited to:

- (a) Limitations on lighting;
- (b) Restrictions on the hours of operations;
- (c) Fencing of open pit areas;
- (d) An increase or decrease in required setbacks;
- (e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping.
- (f) Off site stockpiling and/or processing if located adjacent to concentration of residential dwellings.

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

(L) Onsite Filming Activities (more than 45 days).

Onsite filming and activities accessory

to onsite filming that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days may be conducted by the approval of the local government in any area zoned for exclusive farm use subject to §152.062.

(M) Operations for the Extraction and Bottling of water.

(1) The activity has direct access to a major state, county or public road;

(2) The activity is located to reduce any detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties may be required to reduce any detrimental effects.

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

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

(5) Complies with other conditions deemed necessary.

(N) Personal Use Airport or Airstrip.

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

(1) No aircraft shall be based on a

personal use airport other than those owned or controlled by the owner of the airstrip;

(2) A site plan is submitted with the application showing topography of the surrounding area;

(3) The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(6) Facility be located 500 feet or more from existing dwellings on adjacent properties;

(7) The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;

(8) Complies with other conditions deemed necessary.

(9) The personal use landing strip law-fully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Aviation.

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

(O) Private parks, private playgrounds, private

hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.

(1) Private campgrounds shall be located on a lot or parcel contiguous to a lake or reservoir and 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 004.

A private campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposed, but not for residential purposed and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects vegetation or other natural features between campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

(2) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by (3) below;

(3) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. Not more than one-third or a maximum of 10 campsites, whichever is

smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(4) Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

(5) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(6) Fire protection measures be considered which may include, but are not limited to:

(a) Area surrounding use is to be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(7) Adequate off street parking is provided for users as prescribed in §152.560;

(8) Has an adequate quantity and quality of water and approved surface or sanitary disposal system from the DEQ, and adequate provisions of solid waste disposal;

(9) Complies with other conditions deems necessary.

(P) Propagation, Cultivation, Maintenance and Harvesting of Aquatic Species.

(1) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.

(2) Notice of all applications under this section shall be made to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations and shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(Q) Public parks.

A public park may be established consistent with the provisions of ORS 195.120, which includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable.

(R) Residential Home or Facility (in existing homes).

(1) "Residential facility" means a residential care, residential training or residential treatment facility, as those terms

are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(2) "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(S) Site for Disposal of Solid Waste.

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(2) Facility is of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) Area surrounding use is to be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(5) Facility shall not alter accepted timber or farm management operations on adjacent forest or farm lands;

(6) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(7) Access roads or easements shall be improved to the county's Transportation Plan standards and follow grades recommended by the Public Works Director;

(8) Road construction 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;

(9) Comply with other conditions deemed necessary.

(T) Transmission Towers over 200 feet in height.

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

(2) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non combustible or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustible materials within 30 feet of structures;

(3) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(4) Take the least amount of timber or farm land out of production and maintain the overall stability of the land use patterns of the area.

(5) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(6) Road construction be consistent with the intent and purposes set forth in the Oregon

Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(7) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(8) Complies with other conditions deemed necessary.

(II) EFU LAND USE DECISIONS

(1) Agricultural Processing Facility.

(a) The activity has direct access to a major state, county or public road;

(b) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties may be required to reduce detrimental effects. The establishment of a buffer shall consider such factors as prevailing wind, drainage, expansion potential and other factors that may affect the livability of such proposed use of the area;

(c) Ingress and egress are provided and designed so as not to create a traffic hazard;

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

(e) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(f) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(g) A processing facility shall comply with all applicable siting standards;

(h) A land partition shall not be approved by the county to separate the processing facility from the farm operation.

(2) Cemeteries in conjunction with Churches.

(a) Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for interment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies;

(b) In establishing a new cemetery, adequate room for expansion shall be provided;

(c) The site has direct access to a dedicated public or county right of way or state highway;

(d) All roads within the cemetery shall be, at a minimum, an oil mat surface;

(e) The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements;

(f) Cemeteries in conjunction with a church shall not be approved within three

miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(g) On EFU zoned lands cemeteries are allowed in conjunction with churches consistent with ORS 215.441 and are processed as a land use decision.

(h) The cemetery may be required to have landscaping around the perimeter of the site.

(3) Churches

(a) Such uses may be authorized only upon a finding that sufficient area is provided for the building, required yards, and off street parking. Related structures and uses such as a manse, parochial school, or parish house are considered separate uses and additional lot areas shall be required therefore.

(b) The applicant shall address the following issues in the application:

1. Location of the site relative to the service area;

2. Probable growth and needs thereof;

3. Site location relative to land uses in the vicinity;

4. Adequate access to and from a principle street and the probable effect of the proposal on the traffic volume of abutting and nearby streets.

(c) Such uses or related buildings shall be

at least 30 feet from a side or rear lot line;

(d) Such uses may be built to exceed the area and the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

(e) Churches shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(f) Expansion of existing church facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990.

(g) Churches must be consistent with ORS 215.441 and are processed as a land use decision.

(4) Facility for Processing Forest Products.

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 method 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 parcel of land or contiguous land where the primary processing facility is located.

(a) The facility is located on the parcel of

land or contiguous land where the timber to be processed is grown;

(b) The facility is located away from existing recreational residential development by more than 200 feet;

(c) Where possible, haul roads will avoid existing recreational residential developments.

(d) Within an EFU Zone, the following additional standards as set forth in ORS 215.283(2) (j) shall apply:

Provided that such a facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2), such a facility may be approved for a one year period. These facilities are intended to be only portable and temporary in nature.

(5) Firearms Training Facility.

Any firearms training facility in existence on September 9, 1995, shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.

(For purposes of this section a FIREARMS TRAINING FACILITY is an indoor or outdoor facility that provides training courses and issues certifications required for law enforcement personnel, by the State Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting and safety.)

(6) Schools

(a) The site has direct access to a dedicated public or county road or a state

highway;

(b) Adequate off street area is available for the loading and unloading of vehicles and buses carrying school children;

(c) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

(d) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;

(e) Schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(f) Complies with other conditions deemed necessary.

(g) Expansion of existing school facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990. New School facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(7) Utility Facility Necessary for Public Service.

(a) Demonstrate 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. Information provided in the technical and engineering feasibility;

2. The proposed facility is locationally dependent. (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.)

(A) Show a lack of available urban and non-resource lands;

(B) Due to availability of existing rights of way.

(C) Due to public health and safety concerns; and

(D) Show it must meet other requirements of state and federal agencies.

(b) Costs associated with any of the factors listed above may be considered, but cost alone, including the cost of land, may not be the only consideration in determining that a utility facility is necessary for public service.

(c) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.

(d) 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) Any proposed extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

(f) The provisions of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(8) Wind Power Generation Facility

Pursuant to: Wind Power Generation Facility criteria listed in § 152.616.

GENERAL PROVISIONS

§ 152.003 DEFINITIONS.

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

FARM USE. (as defined in ORS 215.203)

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE includes the preparation of and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise.

FARM USE also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. FARM USE also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subdivision (3) of this definition or land as defined in ORS 321.267 (3) or 321.824 (3).

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

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

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

(c) Land planted in orchards or other perennials, other than land specified in subdivision (2)(d) of this definition, prior to maturity;

(d) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees, or vineyards for at least three years;

(e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or grazeable, lying in or adjacent to and in common

ownership with a farm use land and which is not currently being used for any economic farm use;

(f) Land under buildings supporting accepted farming practices;

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

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

(i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or infirmity whether or not such illness results in death;

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

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

(3) CULTURED CHRISTMAS TREES means trees are:

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

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

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

PERSONAL-USE AIRPORT (for airplanes and helicopter pads, including associated hangar, maintenance and service facilities). An airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation .

UTILITY FACILITY SERVICE LINES. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one of more of the following: a public right of way, land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.

§ 152.043 STATUTORY PROVISIONS CONCERNING FARM USE ZONES.

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

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

ACCEPTED FARMING PRACTICE.

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

CULTURED CHRISTMAS TREES.

Trees which are:

(1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing

or turning over the soil;

(2) Of a marketable species;

(3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(4) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

CURRENT EMPLOYMENT OF LAND FOR FARM USE means:

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

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

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

(4) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees, or vineyards for at least three years;

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

economically tillable or grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(6) Land under buildings supporting accepted farming practices;

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

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

(9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or infirmity whether or not such illness results in death;

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

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

FARM USE. (as defined in ORS 215.203) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any

agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE includes the preparation of and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. FARM USE also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. FARM USE also includes the propagation, cultivation, maintenance and harvesting of aquatic species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in this section or land as defined in ORS 321.267(3) or 321.824(3).

§ 152.576 SPECIAL EXCEPTIONS FOR TEMPORARY MOBILE HOME PLACEMENT.

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

exception.

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

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

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

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

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

(2) Approval shall be for a period of two years, which may be renewed. However, the mobile home shall be removed 90 days after the original need has ceased;

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

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

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