

ARTICLE 1.00

INTRODUCTORY PROVISIONS AND DEFINITIONS

1.01 TITLE

This ordinance shall be known as the Zoning, Partition and Subdivision Ordinance, November 2, 1983, of Union County, Oregon.

1.02 PURPOSE

The purpose of this ordinance is to promote public health, safety and general welfare of the citizens of Union County, encourage appropriate and orderly growth and development, implements the Union County Land Use Plan, and requires that age, gender or physical disability shall not be an adverse consideration in making a land use decision.

1.03 INTERPRETATION

The interpretation and application of the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of the ordinance shall control. The Union County Board of Commissioners, maintain the authority to interpret all provisions in this ordinance. (ORS 197.829)

1.04 COMPLIANCE WITH ORDINANCE PROVISIONS

All persons shall locate, construct, repair, alter, replace, or use a building or other structure, or transfer land or establish a use only as this ordinance permits.

1.05 CLASSIFICATION OF ZONES AND BOUNDARIES THEREOF

For the purpose of this ordinance, the following zones are hereby established for the unincorporated area of Union County.

ZONE CLASSIFICATION	ABBREVIATED DESIGNATION
Exclusive Farm Use	A-1
Agriculture-Grazing	A-2
Agriculture Forest Use	A-3
Timber-Grazing Use	A-4
Rural Center	R-1
Rural Residential	R-2
Farm Residential	R-3
Forest Residential	R-4
Commercial	C-1
Commercial Interchange	C-2
Light Industrial	I-1
Heavy Industrial	I-2

La Grande/Union County Public Airport	PA
Surface Mining	SM
Airport Light Industrial Park	A I-1
Airport Overlay	AP
Flood Plain Overlay	FP
La Grande & Island City Urban Growth Area Overlay	UG-1
Elgin & North Powder Urban Growth Area Overlay	UG-2

1.06 ZONING MAP

1. The location and boundaries of the zones designated in Section 1.05 are hereby established and shown as dot-dash lines on the maps entitled "Union County Plan and Zoning Maps — November 2, 1983" and subsequent amendments.
2. The Flood Plain Overlay Zone is identified on the Union County Zoning Maps and where base flood elevation data has been provided by the Federal Flood Insurance Administration through the report entitled "Flood Insurance Study for Union County, Oregon," dated November 1979. The Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps are adopted as supplements to the Union County Zoning Maps.
3. A signed copy of the "Union County Plan and Zoning Maps — November 2, 1983" and subsequent amendments shall be maintained on file in the office of the County Clerk and is hereby made a part of this ordinance.

1.07 LAND USE PLAN COMPLIANCE

Zoning decisions shall be in compliance with applicable local, state and federal laws, and the Union County Land Use Plan and various sections and elements thereof, including, but not limited to the following:

1. Land Use Plan Classifications
2. Land Use Plan Policies
3. Transportation Plan and Updates
4. Urban Growth Area Joint Management Agreements

1.08 DEFINITIONS

For the purpose of this Ordinance certain words, terms and phrases are defined as follows:

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

ACCESSORY STRUCTURE: A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use, and for which the owner files a restrictive covenant in the deed records of the county agreeing that the accessory structure will not be used as a residence or residential rental unit.

AGENT: Individual or party given written authorization to act on behalf of a landowner(s).

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AGRI-TOURISM ACTIVITY: An activity that is conducted by a farm operation to promote the farm operation, visitors to a farm store, and the sale of farm store products to the public, and that may also generate commercial, entertainment or educational value. Such activities may include:

1. Farm tours;
2. Educational exhibits or classes;
3. Crop mazes;
4. Play structures;
5. Farm-to-table meals:
 - a. A meal offered as part of a fee-based dining experience, where food grown by a farm operation or farmers anywhere in Oregon (local agricultural area) is prepared and served in a manner that educates the public about agricultural production or on-site sourcing
6. Animal petting and feeding exhibits;
7. Hay or tractor rides, or
8. Other seasonal or holiday events.

AGRICULTURAL BUILDING: Any structure that is considered to be an "agricultural building" under the State Building Code (Section 326) that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner (1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and (2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or residential rental unit.

AGRICULTURAL EXEMPT STRUCTURE: Existing structures allowed exemption from the requirements for a building permit and inspections under the Oregon State Structural Specialty Code (ORS 455.315) or pre-existing structures.

AGRICULTURE: See Farm Use.

ANIMAL HUSBANDRY: Includes the keeping, feeding, or breeding of livestock or poultry, dairying, bees, etc.

ANIMAL SHELTER: Any structure with a permanent covering designed for the part-time or full-time habitation of animals, excluding non-commercial operations of rabbits, fowl, bees and the like.

APPROACH SURFACE-RUNWAY: An imaginary surface which is an inclined plane, symmetrical above the runway, center line extended, beginning at the primary surface (see definition) at each end of the runway and extending for a distance of 5,000 feet for utility runways, 10,000 feet for non-precision instrument runways, and 50,000 feet for runways with an instrument landing system. The slope of the approach surface along the runway center line extended is 20:1 for utility runways, 34:1 for non-precision instrument runways and 50:1 for runways with an instrument landing system. The width of this surface at the runway end is the same as the primary surface (see definition), uniformly widening to 1,250 feet for a utility runway, 4,000 feet for a non-precision instrument runway and 16,000 feet for a runway with a precision instrument approach.

AREA OF SPECIAL FLOOD HAZARD: Means the land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

AUXILIARY: As used in Subsections 5.03.2 and 3, means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

BASE FLOOD: Means the flood having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes residence of the operator and be compliant with the requirements of ORS 333-170-0000(1). A bed and breakfast facility may be reviewed as either a home occupation in a farm zone or forest zone or as a room and board operation in an farm zone.

Commented [I1]: Consistent with HB 4153 2026, Farm Store bill

Commented [IW2]: This is not part of the 'base flood' definition and is not a definition at all

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BILLBOARD: A sign which has a surface space upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

BOARDING HOUSE: A dwelling unit which provides an individual, or any number of persons related or bearing a generic character of a family unit living together where meals or lodging may also be provided for more than four additional persons, excluding servants.

BUILDING: A structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING SETBACK LINE: A line beyond which a building cannot be constructed. The building setback line is referenced by and measured from the property line or road or street right-of-way line where applicable.

CAMPGROUND: An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Campgrounds authorized on land zoned for farm and/or forest uses shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period.

CLASS I STREAMS AND LAKES: Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing or migration routes. Stream flows may be either perennial or intermittent during part of the year. See Zoning maps for Class I designation of County streams and lakes.

CLEAR ZONE-RUNWAY: That area defined as a surface at each end of the runway primary surface (see definition) extending 1,000 feet for utility runways, 1,700 feet for non-precision instrument runways, and 2,500 feet for instrument landing system runways. The width at the inner end is the same as the width of the primary surface, uniformly widening to widths of 450 feet at the outer end for utility runways, 1,010 feet at the outer end for non-precision instrument runways and 1,750 feet at the outer end for instrument landing system runways.

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

COMMERCIAL STAND OF TIMBER: A parcel predominantly stocked and capable of producing 20 cubic feet per acre per year or greater, or required by Oregon Department of Forestry to be restocked subsequent to harvest.

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

COMMERCIAL POWER GENERATING FACILITY: A facility for the production of energy and its related or supporting facilities that:

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

3. Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84; and
4. Generate at least three megawatts or more of power.

COMMISSION OR PLANNING COMMISSION: The Planning Commission of Union County, Oregon appointed by the Union County Board of Commissioners.

CONTIGUOUS: Lots, parcels or lots and parcels that have a common boundary more than a common corner. Contiguous includes, but is not limited to, lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous does not include lots, parcels or lots and parcels separated by a four-lane highway.

COUNTY: The County Board of Commissioners, County Planning Commission or authorized designate of either body.

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

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

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

DEFENSIBLE SPACE: The area between a house and an oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and to provide an opportunity for firefighters to effectively defend the house.

DEVELOPMENT STANDARDS: Guidelines for the development of individual sites in a manner which will enhance the working efficiency and visual amenities of the total area, while providing latitude and flexibility for the individual developer.

DISTRIBUTION USE: Land used to serve industry in the storage, transfer and distribution of goods and materials between manufacturer and consumer.

DRY HYDRANT: An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for firefighting purposes and that utilizes the drafting (suction) capability of fire department pumpers.

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility.

DWELLING, DUPLEX: A detached building containing two dwelling units.

DWELLING, MULTI-FAMILY: A building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit.

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

EXISTING STRUCTURE: Anything constructed, erected or air-inflated which requires location on the ground and has been assessed by the Union County Assessor for ad-valorem taxation purposes for the previous five years.

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EXPLORATION: All activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals.

EXTERNAL IMPACTS: Uses which create smoke, odor, vibration, noise, dust or other conditions which would have an impact on adjacent uses.

EVENT, TEMPORARY: A temporary event is one that is held primarily on or is using Public Property that has an expected attendance of more than {50}, but no more than {500} people, that will not continue for more than {72} hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a Ministerial review process and are not considered "outdoor mass gatherings" as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).

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

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

FARM STAND STRUCTURE: A structure that is designed and used for the sale of farm crops and livestock as provided in Subsection 2.05.6 or 3.05.6. A food stand is considered to be a farm stand structure.

FARM UNIT: A farm operation comprising all parcels being farmed by a single operation, whether the operation owns or leases the parcels.

Commented [I3]: Consistent with HB 4153 2026 – Farm Store bill

FARM USE: Means 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, furbearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation 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. 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 ORS 215.203(3).

FEE-BASED ACTIVITY TO PROMOTE THE SALE OF FARM CROPS OR LIVESTOCK (as applied to farm stands): An agri-tourism activity as defined in this section that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of Subsections 2.05.6 or 3.05.6.

FEEDLOT OR CONFINED FEEDING OR HOLDING OPERATION: The concentrated or confined feeding or holding of animals or poultry where the surface has been prepared with concrete, rock or vitreous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.

FENCE, SIGHT OBSCURING: A fence or planting arranged in such a way as to obscure vision.

FIREARMS TRAINING FACILITY: An indoor or outdoor facility that provides training courses and/or issues certification required for law enforcement personnel, the State Department of Fish and Wildlife, or nationally recognized programs that promote shooting matches, target shooting and safety.

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FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland (or tidal) water and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

FLOODWAY FRINGE: The area between the floodway and the boundary of the base flood which can be diked without increasing upstream flood levels by more than one foot in height.

FOREST LANDS: The (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses; (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; (4) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife, and fisheries habitat, livestock habitat, scenic corridors, and recreation use; (5) means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the state forester, a fire hazard, regardless of how the land is zoned or taxed.

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

FOREST USES: The (1) production of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

FUEL LOADING: The volume of fuel in a given area generally expressed in tons per acre.

FUEL MODIFICATION: Any manipulation or removal of fuels to reduce the likelihood of ignition or the resistance to fire control.

FUELS: All combustible material within the wildland/urban interface, including vegetation and structures.

GAS: All natural gas and all other fluid hydrocarbons not defined as oil in this section, including condensation originally in the gaseous phase in the reservoir.

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

GOLF COURSE: A golf course is an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course for the purposes of ORS 215.283(2)(e) and OAR 660 Division 33 means a 9 or 18 hole regulation golf course consistent with the following:

1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,000 yards and a par of 64 to 73 strokes.
2. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
3. Non-regulation golf courses are not allowed within areas zoned for exclusive farm use. "Non-regulation golf course" means a golf course or golf course like development that does not meet this definition of golf course including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.

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4. Counties shall limit accessory uses provided as part of a golf course in an exclusive farm use zone, and not related to a destination resort development, to the following standards:
 5. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; housing.
 6. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. [OAR 660-33-130(20)]

GOVERNING BODY: A city council, county board of commissioners, or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

GRADE (ground level): The average of the finished ground level at the center of all walls of the building.

GRAZING: The use of land for pasture of horses, cattle, sheep, goats, or other domestic animals.

HAMMERHEAD TURNAROUND: A roadway that provides a "T" shaped three-point turnaround for emergency equipment that is no narrower than the road that it serves. The top of the "T" shall be a minimum of 40 feet long.

HEIGHT OF BUILDING: The vertical distance from the grade to highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HIGH VALUE FARMLAND:

1. Land in a tract composed predominantly of soils that are:
 - A. Irrigated and classified prime, unique, Class I or II; or
 - B. Not irrigated and classified prime, unique, Class I or II.
2. Includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa.

HISTORIC PROPERTY: Real property that is currently listed in the National Register of Historic Places.

HOME OCCUPATION: A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.

HUNTING AND FISHING PRESERVE: Area wherein the hunting of privately owned game birds and angling for privately owned game fish is permitted by state law.

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

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JUNKYARD: Any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts, iron, steel, or other old or scrap ferrous, or non-ferrous material, metal or non-metal materials, and the term includes automobile graveyards where the parts of or in whole eight auto bodies are kept, and scrap metal processing facilities.

LA GRANDE/UNION COUNTY AIRPORT LIGHT INDUSTRIAL PARK: The area is located in the south central portion of the La Grande/Union County Airport property between Runway 34 and the south taxiway. The area presently includes about 77 acres of land. This area is identified for the first two phases of commercial/industrial development on the airport property and will more commonly be titled the Airport Industrial Park Area.

LADDER FUELS: Fuels that provide a vertical continuity allowing fire to carry from the surface fuels into the crowns of trees or shrubs with relative ease.

LAND USE DECISION: A land use decision includes a final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

1. The Statewide Planning goals
2. A comprehensive plan provision
3. A land use regulation
4. A new land use regulation

A land use decision does not include a decision of a local government: (A) which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment; (B) which approves or denies a building permit made under land use standards which do not require interpretation of the exercise of factual, policy or legal judgments; (C) which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; and (D) does not include a decision by a school district to close a school. [ORS 197.015(10)]

LAND USE PLAN OR COMPREHENSIVE LAND USE PLAN: Maps and the interpretations thereof, and written goals and policies related to land use, transportation, parks, housing, urbanization, etc., which have been adopted as elements of the County Land Use Plan.

LAND USE REGULATIONS: Means any county zoning ordinance, land division ordinance or similar general ordinance establishing standards for implementing a comprehensive land use plan.

LEGAL PARCEL: ORS 215.010 Definitions. As used in this chapter:

1. The terms defined in ORS 92.010 shall have the meanings given therein, except that "parcel":
 - A. Includes a unit of land created:
 - a. By partitioning land as defined in ORS 92.010;
 - b. In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
 - c. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.
 - B. Does not include a unit of land created solely to establish a separate tax account.

LIFE SAFETY: Actions taken to prevent the endangerment of people threatened by wildfire or by activities associated with the suppression of wildfire.

LIGHT INDUSTRY: Uses related to manufacturing, compounding, assembling, fabricating, repairing, packaging or treatment industries with limited external impacts. Because of their relatively close proximity to residential and commercial activities, or because of special requirements, they need locations removed from heavy types of industry.

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.

LOADING SPACE: An off-street space within a building or on the same lot with a building for temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to the street.

LOT: A subdivision lot created through a subdivision review process per ORS Chapter 92.

LOT AREA: The total horizontal area within the lot lines of a lot. Land dedicated for roads within lot lines shall be included in total acreage. Aliquot subdivisions shall be deemed to contain an acreage as if the section were a square mile, provided the deviation in reduced size is 10-percent or less.

LOT, CORNER: A lot abutting on two intersecting streets other than an alley.

LOT, INTERIOR: A lot other than a corner lot.

~~**LOT OF RECORD:** A lot which has been recorded in the County Clerk's office and meet ORS 215.705 lot of record requirements.~~

Commented [15]: This is a use and does not need to be defined.

LOT, REVERSE CORNER: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets other than alleys.

LOW INVESTMENT ACCESSORY STRUCTURES: A structure which is incidental, appurtenant or subordinate to the main use of the property and which has a relatively low investment such as hay sheds, loafing barns or animal shelters.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Subsection 17.03 2.A(2).

MAINTENANCE STANDARDS: Guidelines which are provided to outline the required level of upkeep and repair for structures and the surrounding property.

MAJOR PARTITION: A partition which includes the creation of a road or street, i.e., utilization of a means of access not previously approved for partitioning or subdividing.

MANUFACTURED OR MOBILE HOME: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION: Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale which are defined as nonfarm dwellings.

MEDICAL HARDSHIP: "Medical hardship" means a temporary circumstance caused by serious illness or infirmity and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

MINE: Mine includes all mineral bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral substance is obtained.

MINERAL: Soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state.

MINING, AGGREGATE: For purposes of Article 2.00 "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.

MINOR PARTITION: A partition that does not include the creation of a road or street, utilization of a means of access previously approved for partitioning or subdividing. A portion of land transferred between adjacent landowners, where either or both parcels are less than the minimum parcel size of the applicable zone but not below the parcel sizes set in ORS 215.780, and where any adjustment of the lot line(s) by the relocation of a common boundary does not create an additional parcel or an additional opportunity for a dwelling not otherwise authorized, shall be a minor partition.

MITIGATION: An action that moderates the severity of a fire hazard or risk.

MOBILE HOME: Any dwelling unit that does not meet Oregon Uniform Building Codes for frame homes, but has been constructed to the standards for mobile homes in the State of Oregon.

MOBILE HOME PARK: Three or more mobile homes parked on a lot, which are defined as nonfarm dwellings.

MOTEL: A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows with or without cooking facilities, for rental to transients.

MOTOR HOME, CAMPER OR TRAVEL TRAILER: A building or vehicle, originally designed or presently constructed, to be used as temporary dwelling or lodging place and to be readily movable from place to place over streets.

MULTIPLE-FAMILY UNIT: A building used or arranged for use as the home or abode of three or more families. Living independently of each other and doing their own cooking in said building and shall include flats and apartments.

NET METERING POWER FACILITY: A facility for the production of energy that:

1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
2. Is intended to offset part of the customer-generator's requirements for energy;
3. Will operate in parallel with a utility's existing transmission and distribution facilities;
4. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
5. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

NOISE OR DUST SENSITIVE USE OR STRUCTURE: Real or personal property used for sleeping, or used as schools, churches, hospitals or public libraries. Property in industrial or agricultural use is not considered to be a "Noise or Dust Sensitive Use or Structure" unless it meets the above criteria in more than an incidental manner.

NONCONFORMING STRUCTURE OR USE: A lawful structure or use which exists at the time this ordinance or any amendment thereto becomes effective, and which does not conform to the requirements of the zone in which it is located.

NONFARM DWELLING: Any dwelling not provided in conjunction with farm use or any dwelling located on a nonfarm parcel or lot.

NONFARM PARCELS OR LOTS: A substandard parcel or lot which can qualify for a nonfarm dwelling under ORS 215.284(2) or (3).

NUCLEAR FREE ZONE: The unincorporated portion of Union County prohibiting the positioning or manufacturing of nuclear armaments or components, or parts thereof and the production of all nuclear energy, irradiation of foods from radioactive sources and establishment of nuclear waste storage facilities for other than education, therapy and medical diagnosis.

ODF: Oregon Department of Forestry; the state department charged with serving the people of Oregon through the protection, management and promotion of a healthy forest environment which will enhance Oregon's livability and economy for today and tomorrow.

OIL: Crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but do not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

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

OPERATOR: Any individual, public or private corporation, political subdivision, agency, board, or department of this state, any municipality, partnership, association, firm, trust, estate of any other legal entity whatsoever that is engaged in surface mining operations.

OUTDOOR MASS GATHERING: A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of ~~more than~~ more than 500 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

OVERBURDEN: The soil, rock and similar materials that lie above natural deposits of minerals.

OWNER: Means the party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, owner shall mean the contract vendee and except where land is being transferred through some other land sales instrument owner shall be the purchaser that holds security interest.

PARCEL: Includes a unit of land created by partitioning land as defined in Section 1.08, or created by deed or land sales contract if there were no applicable planning, zoning or partitioning ordinances or regulations. Parcel does not include a unit of land created solely to establish a separate tax account.

PARCELS PREDOMINANTLY CAPABLE OF FARM USE OR PREDOMINANTLY FARM USE PARCELS: Parcels including greater than fifty percent agriculture or rangeland soils identified by the USDA-NRCS (SCS). Such parcels are not predominantly capable of growing a commercial stand of timber.

PARCELS PREDOMINANTLY CAPABLE OF GROWING A COMMERCIAL STAND OF TIMBER OR PREDOMINANTLY FORESTED PARCEL(S): Parcels consisting of soils rated by the USDA-NRCS (SCS) as being capable of producing at

least 20 cubic board feet of timber per acre per year, totaling greater than fifty percent of the parcel and subject to restocking standards required by the Oregon Forest Practices Act.

PARKING LOT: Any area used for standing and maneuvering of three or more vehicles or requiring three or more parking spaces.

PARKING SPACE: A rectangle not less than 20 feet long and 9.5 feet wide together with maneuvering and access space required to park within the rectangle.

PARTITION: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts, for the sale of real property and divisions of land resulting from the creation of cemetery lots, and partition of land does not include any adjustment of lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.

PARTITIONER: Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or for another.

PERFORMANCE STANDARDS: Guidelines which are provided in order to avoid the creation of nuisance or unsanitary conditions within developed areas and to enhance inter-industry compatibility.

PERMANENT-TYPE CONSTRUCTION: Structures or ground facilities constructed with the intent of providing service over the length of the lease agreement, with use of materials and methods of construction which under normal conditions of use will maintain their appearance and functionality. Trailers, mobile offices and other similar temporary structures are not considered as permanent-type construction.

PERSON: Any individual, firm, association, syndicate, corporation, co-partnership, trust, branch of government or legal entity.

PERSONAL USE AIRPORT: Means an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis by invited guests and by commercial aviation activities in connection with agricultural operations. No aircraft may be used 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 Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

PLANNED UNIT DEVELOPMENT: A parcel of land planned for residential purposes as a single unit, rather than an aggregate of individual lots.

PLAT: A final map, diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision.

PREDOMINANT USE: The term used to describe the most common use of a parcel when differentiating between farmland and forest land. In determining predominant use NRCS Soil Conservation Service soil maps will be used to determine soil designations and capabilities. The results of this process will be the most important method in determining the predominant use of the parcel. Other factors which may contribute to determining predominant use include parcel characteristics such as a commercial stand of timber, and the current use of the property. Removing a commercial stand of timber from a property will not result in a conversion of predominant use unless the property is disqualified as forest land by the Oregon Department of Forestry.

PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of a partition or subdivision to be submitted to the Planning Director for consideration.

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

PRIMARY SURFACE-RUNWAY: The area defined as the location on the ground, longitudinally centered on each airport runway, and extended 200 feet beyond the threshold of each runway. The width of the primary surface is 250 feet for a utility runway, 500 feet for a non-precision instrument runway and 1,000 feet for runways having an instrument landing system.

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

PRIVATE PARK: An area devoted to low-intensity, outdoor, recreational uses for which enjoyment of the outdoors in an open space, or on land in its natural state, is a necessary component and the primary focus.

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PRIVATE STREET OR ROAD: A private street or road shall provide access only to abutting parcels, lots or tracts. No streets or roads providing access to other streets or roads or to areas not abutting such streets shall be approved as private streets or private roads.

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

PROCESSED FARM PRODUCT: A farm product that has been transformed into a manufactured product through methods such as cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, butchering, or freezing and has been packaged or canned for human or animal use.

Commented [I7]: Consistent with HB 4153 2026, Farm Store use

PROPERTY LINE: The boundary which describes the extent of a particular parcel of land as described in the leasing document or deed. The term "Property Line" shall be used interchangeable with the term "Lease Line."

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

PUBLIC SEWER: Any sewage disposal or treatment facility which serves three or more dwelling units.

PUBLIC WATER SUPPLY: Any domestic water supply system which provides water to three or more dwelling units or commercial or industrial operations which have 10 or more patrons or employees per day for more than 60 days per year.

RELATIVE: As it applies to relative farm help dwellings and temporary hardship dwellings, a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin.

REPAIR: The act of restoring by replacing a part or all of a structure or building to a sound state.

RESERVE STRIP: A strip of land adjacent to a street or road which limits or controls access to the street or road.

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

RESIDENTIAL HOME: A home licensed by or under the authority of the Department of Human Resources which provides residential care along 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 Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential home.

RFPD: Rural Fire Protection District; taxing district providing structural fire protection to its constituents.

RIPARIAN ZONE: An area pertaining to or situated on the edge of the bank of a river, water course or lake.

SECONDARY FUEL BREAK: An area where fuels have been modified and/or with fire resistive vegetation (planted or native), maintained to cause a reduction in fire intensity, and can be used for other than fire protection (like a golf course, cemetery, park, playground, orchard, etc.).

SHALL: Indicates a mandatory requirement.

SHOULD: Indicates a recommendation or that which is advised but not required.

SIGN: A presentation or representation or other type of advertising, not in an enclosed building or other than a house number which, by words, letters, designs, pictures, lights or colors publicly displayed, gives notice relative to an assemblage, a solicitation, or a request for aid. This includes the board, metal, or surface upon which the sign is painted, included or attached.

SOILS ANALYSIS: Case by case analysis of the soils present on property proposed for development.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY: That portion of building between the upper surface of any floor and the upper surface of the floor next above. Except that the top story shall be that portion of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

STRUCTURAL ALTERATION: Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any change in the supporting members of a roof.

STRUCTURAL HEIGHT: Maximum height of structures and accessory attachments or utilities.

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

SUBDIVIDED LAND: To divide an area or tract of land into four or more lots or parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

SUBSTANTIAL CONSTRUCTION: The completion of a structure's supporting foundation, excluding all minor improvements such as access roads, developed water sources, sewage disposal systems and electrical utilities.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which:

1. Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or
2. Equals or exceeds 50% of the market value of the structure before the damage occurred, if the structure has been damaged and is being restored for the purposes of this definition substantial improvement is considered to commence when the first alternation of any wall, ceiling, floor, or other structural part of the building commences. Whether or not that alternation affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure living conditions, or
2. Any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

TENANT: Individuals and organizations which have either leased or purchased property which is subject to regulation or control.

TRACT: One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. [OAR 660-06-027(5)(a)]

TRANSITIONAL SURFACES-RUNWAY: An imaginary surface which is an inclined plane at the outer edge of the runway primary surface (see definition) and approach zone (see definition) and extending outward at a right angle to the runway center line. The slope of the inclined plane is 7:1 extending upward to a height of 150 feet above the runway surface elevation.

TRAVEL TRAILER, PICKUP CAMPER OR MOTOR HOME PARK: A plot of ground upon which one or more trailer coaches or motor homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE: This includes:

1. Utility facilities as provided in ORS 215.275;
2. Utility facilities that are associated transmission lines, as defined in ORS 215.274 and 469.300;
3. Wetland waste treatment systems; or
4. Facilities and service lines needed to provide water or wastewater services allowed under ORS 215.256.

~~This does not include commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. Unless otherwise specified in Subsection 2.04.11 or 3.04.11, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.~~

VACATION OCCUPANCY: Means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

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1. The occupant rents the unit for vacation purposes only, not as a principal residence;
 2. The occupant has a principal residence other than at the unit; and
 3. The period of authorized occupancy does not exceed 45 days.

VISION CLEARANCE AREA: A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection on the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides, where the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the top of the curb or grade level at the street or road outside edge.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

WILDLAND/URBAN INTERFACE: An area where improved property and wildland fuels meet at a well-defined boundary.

WILDLAND/URBAN INTERMIX: An area where improved property and wildland fuels meet with no clearly defined boundary.

YARD: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

YARD (Front): An open space between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building.

YARD (Rear): An open space between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of the main building.

YARD (Side): A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building.

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

YURT: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

1.09 ADDITIONAL TERMS

Words used in the present tense include the future. The singular number includes the plural, and the word "shall" is mandatory and not directory. Whenever the term "this ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

ARTICLE 2.00

A-1 EXCLUSIVE FARM USE ZONE

2.01 PURPOSE

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

The A-1 Zone has been applied to lands designated as Exclusive Agriculture in the Land Use Plan. The provisions of the A-1 Zone reflect the agricultural policies of the Land Use Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

2.02 PERMITTED USES

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

1. Farm use.
2. Propagation or harvesting of a forest product.
3. Other buildings customarily provided in conjunction with farm use.
4. Creation of, restoration of, or enhancement of wetlands
5. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
6. 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.
7. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
8. Firearms training facility in existence on September 9, 1995.
9. A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.
10. Compost operations and facilities limited to those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, and that meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

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2.03 ADMINISTRATIVE USES

The following uses may be established in an A-1 Zone subject to the review process identified in Section 24.02 (Planning Director Land Use Decision). At a minimum, all uses are subject to review criteria of Section 2.06 except where indicated in Section 2.05.

- ~~1. Creation of, restoration of, or enhancement of wetlands.~~
- ~~2. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.~~
- ~~3. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.~~
- ~~4. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~
5. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
6. Fire service facilities providing rural fire protection services.
7. On-site filming and activities accessory to on-site filming for 45 days or less as provided for in ORS 215.306.
- ~~8. Firearms training facility in existence on September 9, 1995.~~
9. Dwelling customarily provided in conjunction with farm use subject to Subsection 2.05.2629.B and Section 2.07.
10. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to Subsection 2.05.26. It is classified as historic property as described in ORS 358.487(4).
11. ~~Alteration, restoration, or replacement of a lawfully established~~ A “replacement dwelling” subject to Subsection 2.05.2629.B and Section 2.11.
12. A facility for the processing of farm products, only if the facility uses less than 2,500 square feet for its processing area. This facility does not need to meet siting standards but standards and criteria pertaining to floodplains, geologic hazards, airport safety, and fire standards do apply.
13. A farm store, subject to Subsection 2.05.27

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2.04 CONDITIONAL USES ~~WITH GENERAL REVIEW CRITERIA~~

In the A-1 Zone, the following uses and their accessory buildings and uses are permitted subject to county review under Article 24.03 Quasi-Judicial land use decision. At a minimum, and the uses are subject to specific standards for the use set forth in Section 2.05 and review criteria of Section 2.06 unless specifically exempted, as well as the general standards for the zone and the applicable standards in Article 21.00 (Conditional Uses).

1. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
2. Operations for the exploration for minerals as defined by ORS 517.750.

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3. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
4. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.
5. A facility for the processing of farm crops, biofuel, ~~or poultry, or rabbits~~ subject to Subsection 2.05.1.
6. Dog training classes or testing trials subject to Subsection 2.05.5.
7. Farm stands subject to Subsection 2.05.6.
8. A winery subject to Section 2.12.
9. Agri-tourism and other commercial events or activities subject to Section 2.13.
10. Utility facility service lines subject to Subsection 2.05.14.
11. ~~Utility facilities necessary for public service, including associated transmission lines as defined in Section 1.08 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in subject to Subsection 2.05.15.~~
12. A site for the takeoff and landing of model aircraft subject to Subsection 2.05.19.
13. Churches, and cemeteries in conjunction with churches, subject to Subsection 2.05.26.A. This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to Subsection 2.05.26.C.
14. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the county planning commission under ORS 433.763.
15. ~~A relative farm help dwelling dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to Subsections 2.05.3, and 2.05.26.B.~~
16. Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection 2.05.26.B and Section 2.08.
17. ~~An ownership lot of record One single family dwelling on a lawfully created lot or parcel subject to Subsection 2.05.26.B and Section 2.09.~~
18. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection 2.05.26.B and Section 2.10.
19. A facility for the primary processing of forest products subject to Subsection 2.05.1.
20. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission or insect species.
21. Temporary hardship dwelling subject to Subsection 2.05.4.
22. ~~Residential home or facility as defined in ORS 197.660, in existing dwellings, subject to Subsection 2.05.26.B.~~
23. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection 2.05.26.B.
24. Parking of up to seven log trucks.
25. Home occupations as provided in Subsection 2.05.7.

Commented [I16]: I would like to make this a Permitted Use

Commented [I17]: This should be an Administrative Use

Commented [I18]: This was updated in Article 1, Definitions

Commented [IW19]: I would like to make the Residential Home use an Admin Use – it is for 5 people or less

Commented [I20]: Facility is not an allowed use.

Commented [I21]: I would like to make this an Admin Use, or Permitted Use

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26. Commercial dog boarding kennels ~~or dog training classes or testing trials that cannot be established under Subsection 2.05.5.~~
27. An aerial fireworks display business that has been in continuous operation at its current location since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks.
28. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
29. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection 2.04.5, subject to 2.05.9.
30. Guest ranch subject to Subsection 2.05.8.
31. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
32. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
33. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to Subsection 2.05.10.
34. Processing of other mineral resources and other subsurface resources.
35. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
36. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
37. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels and subject to OAR 660-012-0065 where applicable.
38. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
39. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection 2.05.12.
40. Transmission towers over 200 feet in height.
41. Commercial utility facilities for the purpose of generating power for public use by sale, ~~not including wind power generation facilities or photovoltaic solar power generation~~ renewable energy facilities defined in ORS 215.446, subject to Subsection 2.14.1.
42. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 2.14.2.
43. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 2.14.3.
44. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 2.05.26.C.

Commented [I22]: This is not a use listed in State Statutes

Commented [I23]: I would like to make this a Permitted Use

Commented [I24]: Made consistent with ORS 215.283(g)

~~45. Composting operations and facilities other than those that are accepted farming practices in conjunction with and auxiliary to farm use for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to Subsection 2.05.17. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 2.05.26.C.~~

Commented [I25]: Made consistent with OAR 660-033-0130(29)

46. On-site filming and activities accessory to on-site filming for more than 45 days as provided for in ORS 215.306.
47. Living history museum as defined in Section 1.08. And subject to Subsections 2.05.20 and 2.05.26.A.
48. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community subject to Subsections 2.05.21 and 2.05.26.A.
49. Public parks and playgrounds subject to Subsections 2.05.22 and 2.06.25.A.
50. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
51. Operations for the extraction and bottling of water.
52. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection 2.05.26.A. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections 2.05.23 and 2.05.26.C.
53. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections 2.05.24 and 2.05.26.A. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection 2.05.26.C.
54. Golf courses as defined in Section 1.08 and subject to Subsections 2.05.25 and 2.05.26.A. This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to Subsection 2.05.26.C, Use Standards.

~~55. Wedding and related events venue subject to Subsection 21.07.10.~~

Commented [I26]: This was deemed an illegal use by DLCD

~~55. Equine and equine-affiliated therapeutic counseling activities subject to Subsection 2.05.26.~~

Commented [I27]: Included consistent with ORS 215.283(1)(bb)

~~56. Child care facilities, preschool recorded programs or school-age recorded programs subject to Subsection 2.05.27.~~

Commented [I28]: Included consistent with ORS 215.283(1)(dd)

2.05 USE STANDARDS

~~1. A processing facility is subject to the following:~~

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- ~~A. The farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility.~~
- ~~B. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products and rabbits or rabbit products pursuant to ORS 603.038.~~
- ~~C. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.~~
- ~~D. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.~~

Commented [I30]: Made consistent with OAR 660-033-0130(28)

E. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.

2. A facility for the primary processing of forest products is subject to the following:

- A. The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 1.08.
- B. ~~The Such~~ facility may be approved for a one-year period that is renewable and is 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 methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

3. ~~To qualify for a~~ relative farm help dwelling, a dwelling shall be is subject to the following:

- A. Located on property used for farm use;
- B. ~~occupied~~ Occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator; and "relative" means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or farm operator's spouse;
- C. The farm operator shall continue to play the predominant role in the management and farm use of the farm-;
- D. The relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator.

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

- A. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - (1) The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
 - (2) Doctor certification;
 - (3) The county shall review the permit authorizing such manufactured homes every two years; and
 - (4) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. Department of Environmental Quality review and removal requirements also apply.
 - (5) For medical hardships applied for under a natural hazard event, the temporary dwelling must be established within an existing building or recreational vehicle that is located within 100 feet of the permanent dwelling or the temporary dwelling must be located further 250 feet from adjacent lands zoned for forest or agriculture use.
- B. A temporary residence approved under this section is not eligible for replacement, ~~under Subsection 2.03.11. Department of Environmental Quality review and removal requirements also apply.~~

Commented [I31]: Reformatted for ease of reading

Commented [I32]: Some of this information was in Section 2.04, combined here for clarity.

Commented [I33]: This was in the wrong location in subsection B.

Commented [I34]: Made consistent with OAR 660-033-0130(10)(c)

C. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons as determined by a certified doctor. "Hardship" also includes a natural hazard event that has destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.

Commented [I35]: Made consistent with OAR 660-033-0130(10)

5. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, ~~2013~~ 2019, are limited as follows:

Commented [I36]: Made consistent with OAR 660-033-0130(39)

- A. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
- B. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

6. A farm stand may be approved if:

A. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in ~~the local agricultural area~~ Oregon, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand.

Commented [I37]: No need to define because Union County does not border a county in another state.

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

- B. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
- C. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in ~~the local agricultural area~~ Oregon. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

~~D. As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county, in which the farm stand is located.~~

D. The farm stand operator of a farm stand approved under this section shall submit to the local government evidence of compliance with the annual sales requirement of subsection (A). Such evidence shall consist of an IRS tax return transcript and any other information the local jurisdiction may require to document ongoing compliance with this section or any other condition of approval required by the county.

Commented [I38]: Made consistent with OAR 660-033-0130(23)(f)

~~F.~~ Farm Stand Development Standards.

- (1) Adequate off-street parking will be provided pursuant to provisions of the County.
- (2) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
- (3) All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
- (4) No farm stand building or parking is permitted within the right-of-way.

- (5) Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked.
- (6) Vision Clearance Areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within "vision clearance areas" at street intersections.
 - (a) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.
 - (b) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - (c) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
- (7) All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways, except as provided for up-lighting of flags and permitted building-mounted signs.
- (8) Signs are permitted consistent with Section 217 Development Standards.

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

7. Home Occupations.

A. A home occupation shall:

- (1) Be operated by a resident or employee of a resident of the property on which the business is located;
- (2) Employ on the site no more than one full-time or part-time person at any given time;
- (3) Be operated substantially in:
 - (a) No more than 49% of the dwelling; or
 - (b) Other buildings where no more than 1,200 square feet is used for the home occupation and the building is normally associated with uses permitted in the zone where the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.
- (4) Not unreasonably interfere with other uses permitted in the zone in which the property is located.
- (5) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established under Subsection 2.05.8 and is operated in association with the winery:
 - (a) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility;
 - (b) The meals may be served at the bed and breakfast facility or at the winery.
- (6) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.

Commented [I39]: I am not sure why this is here and what compliance it references. It should be understood that the operator will need to comply with state laws regarding food handling etc.

- (7) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- (8) All off-street parking must be provided on the subject parcel where the home occupation is operated.
 - (a) Employees must use an approved off-street parking area.
 - (b) Customers visiting the home occupation must use an approved off-street parking area.
- (9) One (1) sign identifying the home and occupation is permitted, not to exceed a total of 32 square feet in area and located outside of the public right-of-way.
- (10) Retail sales shall be limited or accessory to a service.
- (11) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities) shall be prohibited.

B. A use that is already allowed by this Article as a permitted, administrative, or conditional use, can only be approved as a home occupation if:

- (1) The scale and intensity of the use is no more intensive than the limitation and conditions otherwise specified for the use, and
- (2) The use is accessory, incidental and subordinate to the primary residential use of the dwelling on the property.

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

A. Definitions.

- (1) "Guest lodging unit" means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence.
- (2) "Guest ranch" means a facility for guest lodging units, passive recreational activities described in paragraph F and food services described in paragraph G that are incidental and accessory to an existing and continuing livestock operation that qualifies as a farm use.
- (3) "Livestock" means cattle, sheep, horses and bison.

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

- (1) A federally designated wilderness area or a wilderness study area;
- (2) A federally designated wildlife refuge;
- (3) A federally designated area of critical environmental concern; or
- (4) An area established by an Act of Congress for the protection of scenic or ecological resources.

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

- (1) Is at least 160 acres;
- (2) Contains the dwelling of the individual conducting the livestock operation; and
- (3) Is not high-value farmland.

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

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

Commented [I40]: Made consistent with OAR 660-033-0130(14)(c)

(2) Not exceed a total of 12,000 square feet in floor area, not counting the floor area of a lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.

E. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described in paragraph C, up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.

F. A guest ranch may provide passive recreational activities that can be provided in conjunction with the livestock operation's natural setting including, but not limited to, hunting, fishing, hiking, biking, horseback riding, camping and swimming. A guest ranch may not provide intensively developed recreational facilities, including golf courses as identified in ORS 215.283.

G. A guest ranch may provide food services only for guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch, an individual accompanying a guest or an individual attending a special event at the guest ranch.

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

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

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

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

(1) For a guest ranch; or

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

J. A guest ranch shall annually report to the county. The county shall make available to the public, upon request, reports collected from guest ranches under this subsection. The report must contain:

(1) The size of the guest ranch's livestock operation;

(2) The income that the guest ranch obtained from:

(a) Livestock operations; and

(b) Guest ranch activities; and

(3) Other information the county may require to ensure ongoing compliance with this section or any condition of approval required by the county.

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

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

B. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or

C. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or

Commented [I41]: Made consistent with ORS 215.461(8)

tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.

10. Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

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

- A. A land use permit is required for mining more than one thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre.
- B. A land use permit for mining of aggregate shall be issued only for a site included as a significant aggregate resource on a the significant mineral or and aggregate inventory in the land use plan.
- C. This review is not subject to the Farm-Forest Impact Test of Section 1.06.

12. A personal use airport, as used in this Article, is 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, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition use may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

13. Land ~~Application application of Reclaimed water, or Process Water,~~ agricultural process or industrial process water or bio solids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of 215.246, 215.247, 215.249 and 215.251. Onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

- A14. Compost operations and facilities, other than those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, are subject to the following:

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

- (1) Meets the requirements of OAR 340-096-0150;
- (2) Identifies the distance of the proposed operation to the nearest residential zone;
- (3) Includes a complaint response protocol;
- (4) Is submitted to the DEQ with the required permit application; and
- (5) May be subject to annual review by the county to determine if any revisions are necessary.

B. Compost operations and facilities subject to Subsection 2.05.15 include:

- (1) A new disposal site for composting that sells, or offers for sale, resulting product; or
- (2) An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - (a) Accepts as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or

Commented [I42]: This use will require much more updating. To be done at a future time.

Commented [I43]: These do not require the same review as mining.

Commented [I44]: Made consistent with 660-033-0130(7)

Commented [I45]: Made consistent with OAR 660-033-0130(11)

Commented [I46]: This was a subsection of 'land application' above but I believe that is a mistake – Also made consistent with OAR 660-033-0130(29)

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

C. Compost operations and facilities are not allowed on high value farmland.

D. Shall meet the permitting requirements of the Department of Environmental Quality under OAR 340-096-0060 and 340-096-0150.

1415. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- A. A public right-of-way;
- B. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
- C. The property to be served by the utility.

15. A Utility Facility ~~that is~~ Necessary for Public Service is subject to the following requirements:-

- A. ~~A utility facility is necessary for public service if it~~ The facility must be sited in the exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - (1) Technical and engineering feasibility;
 - (2) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - (3) Lack of available urban and non-resource lands;
 - (4) Availability of existing rights-of-way;
 - (5) Public health and safety; and
 - (6) Other requirements of state and federal agencies.
- B. Costs associated with any of the factors listed in subparagraph A of this paragraph may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- C. The owner of a utility facility ~~necessary for public service approved under paragraph A~~ shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- D. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- E. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under ~~OAR 660-033-0130(19) the A-1 Zone~~ or other statute or rule when

project construction is complete. Off-site facilities allowed under this paragraph are subject to Section 2.06 Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

- F. In addition to the provisions of subparagraphs A to D of this paragraph, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
- G. The provisions of subparagraphs A to D of this paragraph do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

~~16F.~~ An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of subparagraph ~~A-(1)~~ or subparagraph ~~B-(2)~~ of this paragraph.

Commented [I47]: This is not a separate section but a subsection of the Utility Facility use OAR 660-033-130(16)

~~A-(1)~~ An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

- (~~1a~~) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
- (~~2b~~) The associated transmission line is co-located with an existing transmission line;
- (~~3c~~) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
- (~~4d~~) The associated transmission line is located within an existing right-of-way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

~~B-(2)~~ After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to ~~subparagraphs 16(C)(3) and 16(D)(4)~~, two or more of the following criteria:

- (~~1a~~) Technical and engineering feasibility;
- (~~2b~~) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- (~~3c~~) Lack of an available existing right-of-way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
- (~~4d~~) Public health and safety; or
- (~~5e~~) Other requirements of state or federal agencies.

~~C-(3)~~ As pertains to ~~subparagraph 16-B(2)~~ the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.

~~D-(4)~~ The county may consider costs associated with any of the factors listed in subparagraph ~~16-B(2)~~, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

~~17~~16. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. 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. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 2.05.~~2628~~.C.

~~18~~17. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 2.06 and shall comply with the following requirements.

- A. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Land Use Plan.
- B. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwelling(s) or a residential zone.
- C. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
- D. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
 - (1) The area surrounding the facility is kept free from litter and debris.
 - (2) Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - (3) If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
- E. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
- F. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
- G. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
- H. Hours of operation for the facility shall be limited to 8:00 a.m.—7:00 p.m.
- I. Comply with other conditions deemed necessary.

~~19~~18. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this section. An owner of property used for the purpose authorized in this section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

~~20~~19. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial

activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.

~~2420~~. A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

~~2221~~. Public parks may include:

- A. All uses authorized under ORS 215.283;
- B. The following uses, if authorized in a local or park master plan that is adopted as part of the local Land Use Plan, or if authorized in a state park master plan that is adopted by OPRD:
 - (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - (2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - (3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - (4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump out stations;
 - (5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;
 - (6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - (7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - (8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education.
- C. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
 - (1) Meeting halls not exceeding 2,000 square feet of floor area;
 - (2) Dining halls (not restaurants).

~~2422. A public or private school for kindergarten through grade 12, including all buildings essential to the operation of a school, Schools as~~ formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:

- A. The Conditional Use Review Criteria in Section 2.06 are met; and
- B. The expansion occurs on the tax lot on which the use was established ~~on or before January 1, 2009 or on a contiguous tax lot that was under the same ownership is contiguous to the tax lot and that was owned by the applicant on January 1, 2009~~2015.

~~2423.~~ Private Campgrounds are subject to the following:

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

~~2524.~~ Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

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

~~2625.~~ Equine and equine-affiliated therapeutic counseling activities are subject to the following:

- A. Activities shall be conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental, and subordinate to the farm use on the tract.

Commented [I48]: Made consistent with OAR 660-033-0130(41)

B. All individuals conducting therapeutic or counseling activities must act within the proper scope of any licenses required by the state.

26. Child care, preschool recorded programs and school-age recorded programs are subject to the following:

A. The use is authorized under ORS 329A.250 to 329A.450;

B. The use is primarily for the children of residents and workers of the rural area in which the facility or program is located; and

C. The use must be co-located with a community center or a public or private school.

27. A farm store is subject to the following:

A. The farm store is used for the sale of farm products produced by the farm operation that operates the farm store;

B. No more than 10,000 square feet of one or more permanently enclosed structures are used for the farm store uses listed in subsection D. of this subsection, however, except for the retail sales requirement, farm store uses may take place outside or in temporary or unenclosed structures;

C. The farm store is situated on a tract of:

(1) At least 80 acres with at least 45 acres employed for farm use;

(2) Less than 80 acres but at least 40 acres and with at least 25 acres employed for farm use;

(3) Less than 40 acres but at least 20 acres and with at least 15 acres employed for farm use; or

(4) Less than 20 acres if:

(a) At least 10 acres are employed for farm use; or

(b) The farm store operates as part of a farm unit that has earned at least \$10,000 in gross farm income cumulatively over the preceding two years.

D. The farm store may be used for:

(1) The sale of the farm products or processed farm products produced in Oregon;

(2) The sale of other retail items, if displayed within permanent enclosed farm store structures and the display area does not exceed 25% of the floor area of the structures;

(4) The sale of beverages and prepared food items that are cooked or otherwise made ready for immediate consumption; or

(5) Agri-tourism activities.

(a) In conjunction with agri-tourism, the farm store may use mobile vending units.

E. A farm store may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121. Food and beverages prepared for immediate consumption may not be served in a manner that causes the kitchen facilities to function as a café or drive-through dining establishment.

28. General Standards.

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

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

(2) Any enclosed structures or group of enclosed structures described in paragraph (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.

(3) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.

Commented [I49]: Updated through a 2025 legislature bill

Commented [I50]: Follows the requirements of HB 4153, I suggest referencing requirement to comply with the farm stand development standards of 2.05.6.E

- B. Single-Family Dwelling Deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- C. Expansion Standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 2.04.54 and Section 2.06.

2.06 ~~CONDITIONAL~~ USE REVIEW CRITERIA

1. ~~Farm-Forest Impacts Test. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03. A use allowed by this Article and requiring county review may be approved only where the county finds that:~~
 - ~~A.~~ The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - ~~B.~~ The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
 - C. For purposes of this A. and B. of this subsection, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:
 - (1) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;
 - (2) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and
 - (3) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.
 - (4) For purposes of this section, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.
 - (5) For purposes of this section, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under this subsection.
 - (6) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in this section.
 - ~~D.~~ An applicant may demonstrate that the criteria for approval in this subsection be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
2. ~~A determination that an event or activity:~~

Commented [I51]: Per ORS 215.296 - This does not only apply to conditional uses but all uses allowed under 215.283

Commented [I52]: This section has been updated to be consistent with OAR 660-033-0130(5)

Commented [I53]: Made consistent with ORS 215.296(2)

Commented [I54]: Made consistent with OAR 660-033-0130(42)

- A. Is 'incidental and subordinate' requires consideration of any relevant circumstances, including the nature, intensity, and economic value of the respective farm and event uses, that bear on whether the existing farm use remains the predominant use of the tract.
- B. Is 'necessary to support' either the commercial farm uses or commercial agricultural enterprises in the area means that the events are essential in order to maintain the existence of either the commercial farm or the commercial agricultural enterprises in the area.

2.07 DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

1. Large Tract Standards. On land not identified as high-value farmland as defined in Section 1.08, a dwelling may be considered customarily provided in conjunction with farm use if:
 - A. The parcel on which the dwelling will be located is at least:
 - (1) 160 acres and not designated rangeland; or
 - (2) 320 acres and designated rangeland.
 - B. The subject tract is currently employed for farm use.
 - C. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - D. Except for an accessory farm dwelling, there is no other dwelling on the subject tract~~Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.~~
2. Farm Capability Standards.
 - A. On land not identified as high-value farmland pursuant to OAR 660-033-0020(8), a dwelling may be considered customarily provided in conjunction with farm use if:
 - (1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
 - (2) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subparagraph (1);
 - (3) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subparagraph (4);
 - (4) The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;
 - (5) Except for an accessory farm dwelling~~seasonal farmworker housing approved in 2001,~~ there is no other dwelling on the subject tract;
 - (6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - (7) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subparagraph (3).
 - B. In order to review a farm dwelling under this subsection, the county must prepare a table of the estimated potential gross sales per acre for each assessor land class (irrigated and nonirrigated) for study area required for the review of land in this subsection. The table shall be prepared pursuant to

Commented [I55]: Made consistent with OAR 660-033-0135(1)(d)

Commented [I56]: Made consistent with OAR 660-033-0135(2)(a)(E)

~~OAR 660-044-0135(2)(c), subject to review by the director of the Department of Land Conservation and Development identify the commercial farm or ranch tracts to be used in subparagraph A, the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-044-0135(2)(c).~~

Commented [I57]: Made consistent with OAR 660-033-0135(2)(c)

3. Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- A. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:
- (1) At least \$40,000 in gross annual income from the sale of farm products; or
 - (2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
- ~~B. Except for an accessory farm dwelling, seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use owned by the farm or ranch operator or on the farm or ranch operation;~~
- C. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph A; and
- D. In determining the gross income required by paragraph A:
- (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (2) Only gross income earned from land owned, not leased or rented, shall be counted; and
 - (3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- ~~E. The applicant shall submit an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirement.~~
4. Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- A. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
- ~~B. Except for an accessory farm dwelling, seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use or for mixed farm/forest use owned by the farm or ranch operator or on the farm or ranch operation; and~~
- C. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph A;
- D. In determining the gross income required by paragraph A:
- (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - (2) Only gross income earned from land owned, not leased or rented, shall be counted; and

Commented [I58]: Made consistent with OAR 660-033-0135(3)(b)

Commented [I59]: Made consistent with OAR 660-033-0135(3)(e)

Commented [I60]: Made consistent with 660-033-0135(4)(b)

- (3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

~~E. The applicant shall submit an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirement.~~

Commented [I61]: Made consistent with 660-033-0135(4)(e)

5. Additional Farm Income Standards.

- A. For the purpose of Subsections 2.07.3 or 2.07.4, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in ~~eastern or western Oregon~~ may not be used to qualify a dwelling in ~~eastern Oregon~~ ~~the other part of the state~~.
- B. Prior to the final approval for a dwelling authorized by Subsections 2.07.3 or 2.07.4 that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form ~~provided by the county~~ ~~adopted as "Exhibit A" to OAR chapter 660, division 33~~ has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
- (1) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - (2) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- C. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- D. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located.
- E. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section.
- F. The planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

Commented [I62]: Making it relevant to Union County

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

- A. The subject tract will be employed as a commercial dairy as defined in ~~paragraph 7~~ Subsection G;
- B. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
- ~~C. Except for an accessory farm dwelling, seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;~~

Commented [I63]: Updated consistent with 660-033-0135(7)(c)

- D. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
- E. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
- F. The Oregon Department of Agriculture has approved the following:
 - (1) A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - (2) A Producer License for the sale of dairy products under ORS 621.072.

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

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

- A. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection 3 or 4, whichever is applicable;
- B. The subject lot or parcel on which the dwelling will be located is:
 - (1) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection 3 or 4, whichever is applicable; and
 - (2) At least the size of the applicable minimum lot size under Section 2.16;

~~C.~~ Except for an accessory farm dwelling, ~~seasonal farmworker housing approved prior to 2001~~, there is no other dwelling on the subject tract;

- D. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph A; and
- E. In determining the gross income required by paragraph A and subparagraph B(1):
 - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - (2) Only gross income from land owned, not leased or rented, shall be counted.

Commented [I64]: Made consistent with OAR 660-033-0135(9)(c)

2.08 ACCESSORY FARM DWELLINGS—YEAR ROUND AND SEASONAL

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

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

-
- (a) On the same lot or parcel as the primary farm dwelling;
 - (b) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - (c) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;
 - (d) On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or
 - (e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and
- (3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.
- B. In addition to the requirements in ~~paragraph Subsection A~~, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
- (1) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - (a) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (b) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
 - (2) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (3) It is located on a commercial dairy farm as defined in Subsection 2.07.~~76.G~~6; and

- (a) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
- (b) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
- (c) A Producer License for the sale of dairy products under ORS 621.072.

C. ~~No division of a lot or parcel for to partition an accessory farm dwelling from the primary farm dwelling shall be approved pursuant to this subsection by the county. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance for a dwelling in conjunction with a farm use, a parcel may be created consistent with the minimum parcel size requirements in 2.16-1.~~

Commented [I65]: Providing clarity

D. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 2.04.18.

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

3. ~~Accessory farm dwellings destroyed by a wildfire identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act, ORS 476.510 through 476.610 may be replaced. The temporary use of modular structures, manufactured housing, fabric structures, tents and similar accommodations is allowed until replacement under this subsection occurs.~~

Commented [I66]: Made consistent with 660-033-0130(24)(g)

4. ~~The applicant shall submit an IRS tax return transcript and any other information the county may require that demonstrates compliance with the gross farm income requirements in this section.~~

Commented [I67]: Made consistent with 660-033-0130(24)(h)

2.09 OWNERSHIP LOT OF RECORD DWELLINGS

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

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

- A. It meets the other requirements of paragraphs 1 and 2;
- B. The lot or parcel is protected as high-value farmland ~~as defined in OAR 660-033-0020(8)(a);~~
- C. The Planning Commission determines that:
 - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - (a) For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.
 - (b) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.
 - (c) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - (2) The dwelling will comply with the provisions of 2.06; and
 - (3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph 2.10.1.A.

Commented [I68]: This is defined in our Definitions section.

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

- ~~A. It meets the other requirements of paragraphs 1 and 2;~~
- ~~B. The tract on which the dwelling will be sited is:
 - (1) ~~Identified in OAR 660-033-0020(8)(c) or (d);~~
 - (2) ~~Not sited on high-value farmland defined in Section 2.02; and~~
 - (3) ~~Twenty-one acres or less in size; and~~~~
- ~~C. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or~~
- ~~D. The tract is not a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or~~
- ~~E. The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the~~

Commented [I69]: Not applicable to East Oregon

Commented [I70]: This OAR defines land located in the Willamette Valley and west of the Coast Range

flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary;

- (1) "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
- (2) "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.

54. For purposes of paragraph Subsection 1, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;

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

76. ~~Property that has an application approval for an single-family ownership lot of record dwelling that is approved under this section may be transferred by a person who has qualified under this section to any one other person after the effective date of the land use decision. This restriction only applies prior the dwelling being constructed.~~

Commented [I71]: This was clarified by LUBA

87. The county shall provide notice of all applications for ownership of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

2.10 DWELLINGS NOT IN CONJUNCTION WITH FARM USE

1. Non-Farm Dwelling. A non-farm dwelling sited on a lot or parcel is subject to the following requirements:
 - A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
 - B. The following applies to a non-farm dwelling:
 - (1) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
 - (2) A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable." A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
 - (3) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not

"generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if, in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

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

- (1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
- (2) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections A and B and Section 2.10, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and
- (3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

D. ~~If an ownership lot of record single-family dwelling is established on a lot or parcel as set forth in Subsection 2.05-72.09 or a ownership of record dwelling as set forth in 4.05.2 (forest zone reference to dwellings in forest zones), no additional dwelling may later be sited under the provisions of this section.~~

Commented [I72]: This needed to be a separate subsection and updated to include the forest lot of record dwelling.

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

- A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farm or forest practices on nearby lands devoted to farm or forest use.
- B. No final approval of a non-farm dwelling shall be given unless any additional taxes imposed upon the change in use have been paid.
- C. If a single-family dwelling is established on a lot or parcel as set forth in ORS 215.705 to 215.750, no additional dwelling may later be sited as a non-farm dwelling.
- D. The dwelling will not materially alter the stability of the overall land use pattern of the area.
- E. The non-farm dwelling complies with such other conditions as the governing body or its designee considers necessary.

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

(REPLACEMENT DWELLING)

1. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:
 - A. The dwelling to be altered, restored or replaced has, or formerly had:
 - (1) Intact exterior walls and roof structure;
 - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Interior wiring for interior lights; and
 - (4) A heating system; and
 - ~~(5) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time; and~~
 - B. An application to alter, restore, or replace a lawfully established dwelling must be filed within three years following the date that the dwelling last possessed all the features listed in subsection A. Notwithstanding subsection 1.A(5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 - ~~(1) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or~~
 - ~~(2) The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.~~
 - C. For a replacement dwelling:
 - (1) If the value of the dwelling to be replaced was eliminated through destruction or demolition, the dwelling must have been assessed as a dwelling for purposes of ad valorem taxation for whichever is the later of the following:
 - (a) The five years before the date of the destruction or demolition; or

- (b) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment, or
- (2) If the value of the dwelling to be replaced has not been eliminated due to destruction or demolition, then the dwelling was assessed as a dwelling for purposes of ad valorem taxation for whichever is the later of the following:
- (a) Five years before the date of the application; or
- (b) The date that the dwelling was erected upon or fixed to the land and became the subject to property tax assessment.
- (3) Construction of a replacement dwelling must commence no later than four years after the approval of an application.
- (4) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy by the building official. The applicant shall provide a copy of the certificate of occupancy to the Planning Department upon issuance and a copy of the demolition permit if structure is to be demolished or removed or building permit if structure is to be converted.
- (a) The applicant must record a statement with the county clerk that the dwelling to be replaced has been removed, demolished or converted.
- (5) If the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and record with the county clerk a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction is irrevocable unless the county planning director, or the director's designee, records a statement of release with the county clerk stating that the provision of ORS 215.291 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- (6) A replacement dwelling must comply with the applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- (7) A replacement dwelling may be sited on any part of the same lot or parcel.
- (8) A replacement dwelling must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
- (9) If an applicant is granted a deferred replacement permit, the deferred replacement permit:
- (a) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
- (b) May not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

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

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

- ~~(1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or~~
- ~~(2) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or~~

before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

- (3) ~~If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.~~

B. ~~The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.~~

C. ~~As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.~~

3. ~~A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.~~

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

- (1) ~~Formerly had the features described in paragraph 1.A;~~
(2) ~~Was removed from the tax roll as described in paragraph 1.C; or~~
(3) ~~Had a permit that expired as described under paragraph 4.C.~~

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

- (1) ~~Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and~~
(2) ~~If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yard of another structure.~~

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

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

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

- (1) ~~Formerly had the features described in paragraph 1.A; or~~
(2) ~~Was removed from the tax roll as described in paragraph 1.C;~~

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

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

- (1) ~~Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and~~
(2) ~~Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.~~

2.12 WINERIES

1. A winery may be established as a permitted use if the proposed winery will produce wine with a maximum annual production of:
 - A. Less than 50,000 gallons and the winery:
 - (1) Owns an on-site vineyard of at least 15 acres;
 - (2) Owns a contiguous vineyard of at least 15 acres;
 - (3) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - (4) Obtains grapes from any combination of subparagraph (1), (2) or (3); or
 - B. At least 50,000 gallons and the winery:
 - (1) Owns an on-site vineyard of at least 40 acres;
 - (2) Owns a contiguous vineyard of at least 40 acres;
 - (3) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
 - (4) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
 - (5) Obtains grapes from any combination of subparagraph (1), (2), (3) or (4).
2. In addition to producing and distributing wine, a winery established under this section may:
 - A. Market and sell wine produced in conjunction with the winery.
 - B. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (1) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (2) Wine club activities;
 - (3) Winemaker luncheons and dinners;
 - (4) Winery and vineyard tours;
 - (5) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - (6) Winery staff activities;
 - (7) Open house promotions of wine produced in conjunction with the winery; and
 - (8) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
 - C. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:
 - (1) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (2) Served in conjunction with an activity authorized by paragraph 2.A, D, or E.

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- D. Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to Subsection 5.
 - E. Host charitable activities for which the winery does not charge a facility rental fee.
3. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection 2.C. Food and beverage services authorized under Subsection 2.C may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
 4. The gross income of the winery from the sale of incidental items or services provided pursuant to Subsection 2.C and 2.D may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.
 5. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by 2.13 1 to 4.
 6. A winery operating under this section shall provide off-street parking for all activities or uses of the lot, parcel or tract on which the winery is established.
 7. Prior to the issuance of a permit to establish a winery under Subsection 1, the applicant shall show that vineyards described in Subsection 1 have been planted or that the contract has been executed, as applicable.
 8. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
 - A. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and
 - B. Provision of direct road access and internal circulation.
 9. In addition to a winery permitted in Subsections 1 to 8, a winery may be established if:
 - A. The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - B. The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in paragraph 9.A; and
 - C. The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this subsection.
 10. In addition to producing and distributing wine, a winery described in Subsection 9 may:
 - A. Market and sell wine produced in conjunction with the winery;
 - B. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - (1) Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - (2) Wine club activities;
 - (3) Winemaker luncheons and dinners;
 - (4) Winery and vineyard tours;

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- (5) Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - (6) Winery staff activities;
 - (7) Open house promotions of wine produced in conjunction with the winery; and
 - (8) Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- C. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
- (1) Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - (2) Served in conjunction with an activity authorized by paragraph 10.B(2), (4), or (5);
- D. Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
- (1) Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 - (2) Are incidental to the retail sale of wine on-site; and
 - (3) Are limited to 25 days or fewer in a calendar year; and
 - (4) Host charitable activities for which the winery does not charge a facility rental fee.
11. Income Requirements.
- A. The gross income of the winery from the sale of incidental items pursuant to paragraph 10.C and services provided pursuant to paragraph 10.D may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
 - B. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant, that certifies compliance with paragraph A for the previous tax year.
12. A winery permitted under Subsection 9:
- A. Shall provide off-street parking for all activities or uses of the lot, parcel or tract on which the winery is established.
 - B. May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.
13. Permit Requirements.
- A. A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection 10.D occurring on more than 25 days in a calendar year.
 - B. In addition to any other requirements, a local government may approve a permit application under this subsection if the local government finds that the authorized activity:
 - (1) Complies with the standards described in Subsections 2.06.1, 2, and 3;
 - (2) Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and

-
- (3) Does not materially alter the stability of the land use pattern in the area.
- C. If the local government issues a permit under this subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
14. A person may not have a substantial ownership interest in more than one winery operating a restaurant under Subsection 9.
15. Prior to the issuance of a permit to establish a winery under Subsection 9, the applicant shall show that vineyards described in Subsection 9 have been planted.
16. A winery operating under Subsection 9 shall provide for:
- A. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
- B. Direct road access and internal circulation.
17. A winery operating under Subsection 9 may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.
18. As used in this section:
- A. "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
- B. "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

2.13 AGRI-TOURISM AND OTHER COMMERCIAL EVENTS

1. The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:
- A. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
- (1) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
- (2) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
- (3) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
- (4) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
- (5) The agri-tourism or other commercial event or activity complies with the standards described in Subsections 2.06.1, 2, and 3;
- (6) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

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(7) The agri-tourism or other commercial event or activity complies with conditions established for:

- (a) Planned hours of operation;
- (b) Access, egress and parking;
- (c) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and
- (d) Sanitation and solid waste.

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

- ~~A~~(1) Must be incidental and subordinate to existing farm use on the tract;
- ~~B~~(2) May not begin before 6:00 a.m. or end after 10:00 p.m.;
- ~~C~~(3) May not involve more than 100 attendees or 50 vehicles;
- ~~D~~(4) May not include the artificial amplification of music or voices before 8:00 a.m. or after 8:00 p.m.;
- ~~E~~(5) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
- ~~F~~(6) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
- ~~G~~(7) Must comply with applicable health and fire and life safety requirements.

3C. In the alternative to Subsections ~~1A~~ and ~~2B~~, the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

- ~~A~~(1) Must be incidental and subordinate to existing farm use on the tract;
- ~~B~~(2) May not, individually, exceed a duration of 72 consecutive hours;
- ~~C~~(3) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
- ~~D~~(4) Must comply with the standards described in Subsections 2.06.1, 2, and 3;
- ~~E~~(5) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
- ~~F~~(6) Must comply with conditions established for:

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

- (2b) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
- (3c) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
- (4d) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
- (5e) Sanitation and solid waste.

G.(7) A permit authorized by this subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection 3, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

4D. In addition to Subsections ~~1 to 3~~ A, B, and C, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections ~~1 to 3~~ A, B, and C if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

A.(1) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

B.(2) Comply with the requirements of Subsections ~~3, C, D, E, and F~~ B.(3), (4), (5), and (6);

C.(3) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

D.(4) Do not exceed 18 events or activities in a calendar year.

5(5). A holder of a permit authorized by a county under Subsection 4 must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

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

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

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

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

8-4 Agri-Tourism and Other Commercial Events or Activities Permit. Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use only if the standards and criteria in this section are met.

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

- (1) A description of the type of agri-tourism or commercial events or activity that is proposed, including the number and duration of the event and activity, the anticipated daily attendance and

the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.

- (2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
- (3) A traffic management plan that meets the criteria in Section B (3).
- (4) Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

B. Approval Criteria.

- (1) The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.
- (2) Noise Control.
 - (a) All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
 - (b) A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.
- (3) Transportation Management.
 - (a) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
 - (b) Adequate off-street parking will be provided adequate to accommodate anticipated attendance.
- (4) Health and Safety Compliance.
 - (a) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
 - (b) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Oregon Uniform Building Code and any other applicable federal, state and local laws.
 - (c) Compliance with the requirements of the building codes shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

2.14 COMMERCIAL FACILITIES FOR GENERATING POWER

1. Commercial Power Generating Facility, Except for Wind and Photovoltaic Solar Facilities.

- A. Permanent features of a power generation facility shall not ~~preclude use, occupy, or cover~~ more than:

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- ~~(1) 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or~~
~~(2) 20 acres from use as a commercial agricultural enterprise on land other than high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.~~

- B. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

2. Wind Power Generation Facility.

- A. For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
- (1) Temporary workforce housing described in Subsection 2.14.1.B must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.
- (2) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- B. For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:
- (1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
- (a) Technical and engineering feasibility;
- (b) Availability of existing rights-of-way; and
- (c) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under subparagraph (2);
- (2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
- (3) Costs associated with any of the factors listed in subparagraph (1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;

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- (4) The owner of a wind power generation facility approved under paragraph B shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
- (5) The criteria of paragraph C are satisfied.
- C. For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
- (1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
- (2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
- (3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
- (4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- D. For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of subparagraph C(4) are satisfied.
- E. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in paragraphs C and D, the approval criteria of paragraph C shall apply to the entire project.
3. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
- A. "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
- B. "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

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- C. "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
- D. "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V—VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.
- E. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1,320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
- F. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not ~~preclude use, occupy, or cover~~ more than 12 acres, ~~from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find~~ following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland:

that:

- (1) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
- (2) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
- (3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

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- (4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
- (5) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on high-value farmland soils listed in OAR 660-033-0020(8)(a);
- (6) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b) or arable soils unless it can be demonstrated that:
- (a) Non high-value farmland soils are not available on the subject tract;
 - (b) Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - (c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils; and
- (67) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- (a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
 - (b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- G. For arable lands, a photovoltaic solar power generation facility shall not ~~preclude use, occupy, or cover~~ more than 20 acres. ~~The from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that~~ following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on arable land:
- (1) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high value farmland soils listed in OAR 660-033-0020(8)(a);
 - (2) The project is not located on high-value farmland soils listed in OAR 660-033-0020(8)(b) or arable soils unless it can be demonstrated that:
 - (a) Nonarable soils are not available on the subject tract;
 - (b) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

- (c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;
- (23) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) ~~unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;~~
- (34) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
- (a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
- (b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
- (45) The requirements of subparagraphs F(1), (2), (3), and (4) are satisfied.
- H. For nonarable lands, a photovoltaic solar power generation facility shall not ~~preclude use, occupy, or cover~~ more than 250-320 acres, ~~from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that~~ The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on nonarable land::
- (1) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high value farmland soils listed in OAR 660-033-0020(8)(a)
- (2) The project is not located on high-value farmland soils listed in OAR 660-033-0020(8)(b) or arable soils unless it can be demonstrated that:
- (a) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
- (b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;
- (23) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
- (34) No more than 20 acres of the project will be sited on arable soils, ~~unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;~~
- (45) The requirements of subparagraph F(4) are satisfied;
- (55) If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's Land Use Plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the

county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local Land Use Plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

(6Z) If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

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

I. An exception to the acreage and soil thresholds in subsections (F), (G), and (H) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

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

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

2.15 LAND DIVISIONS

1. Minimum Parcel Size. The minimum size for creation of a new parcel shall comply with Section 2.16.
2. A division of land to accommodate a use permitted by Section 2.04, except a residential use, smaller than the minimum parcel size provided in Subsection 1 may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
3. A division of land to create up to two new parcels smaller than the minimum size established under Section 2.16, each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
 - A. The nonfarm dwellings have been approved under paragraph 2.10.2;
 - B. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;

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- C. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Section 2.16;
 - D. The remaining area of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size in Section 2.16; and
 - E. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
4. A division of land to divide a lot or parcel by creating up to two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
- A. The nonfarm dwellings have been approved under Subsection 2.10.2;
 - B. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - C. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Section 2.16 but equal to or larger than 40 acres;
 - D. The parcels for the nonfarm dwellings are:
 - (1) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and
 - (2) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and is not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;
 - E. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
 - F. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
5. This section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
6. This section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
7. This section does not allow division of a lot or parcel described in Subsection 2.04.15 or 2.04.21.
8. This section does not allow division of a lot or parcel that separates a processing facility from the farm operation specified in Subsection 2.04.19.
9. A division of land may be permitted to create a parcel with an existing dwelling to be used:
- A. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section 2.10; and

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-
- B. For historic property that meets the requirements of Subsection 2.03.10.
10. Notwithstanding Section 2.16, a division of land may be approved for the purpose of establishing a park, provided the following are met:
- A. A parcel created pursuant to this subsection that does contain a dwelling:
- (1) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - (2) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
- B. A parcel created pursuant to this subsection that does not contain a dwelling:
- (1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (2) May not be considered in approving or denying an application for siting any other dwelling;
 - (3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - (4) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
11. A division of land smaller than the minimum lot or parcel size in Section 2.16 may be approved provided:
- A. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
- B. The church has been approved under Subsection 2.04;
- C. The newly created lot or parcel is not larger than five acres; and
- D. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection 2.16 either by itself or after it is consolidated with another lot or parcel.
12. Notwithstanding the minimum lot or parcel size described Section 2.16, a division for the nonfarm uses set out in Subsection 2.03.6 if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
13. The governing body of a county may not approve a division of land for nonfarm use under subsection 2, 3, 5, 6, 7, or 8 unless any additional tax imposed for the change in use has been paid.
14. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.

2.16 MINIMUM PARCEL SIZE

1. The minimum parcel size for farm related parcels in the A-1 Exclusive Farm Use Zone shall be as follows:
- A. 160 acres for land not designated rangeland.
- B. 320 acres for land designated rangeland.
- C. On a predominantly agricultural parcel a variance application may be submitted per Article 30.00 to create parcels per ORS 215.780(1) for resource related purposes only.

2.17 DEVELOPMENT STANDARDS

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

1. Any proposed division of land included within the A-1 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).
2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.
3. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.
4. Signs shall be limited to the following:
 - A. All off-premises signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.
 - B. All on-premises signs shall meet the Oregon Administrative Rule regulations for on-premises signs which have the following standards:
 - (1) Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
 - (2) Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
 - (3) Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
 - (4) Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.
 - C. All on premises signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorist's vision except for emergency purposes.

ARTICLE 4.00

A-3 AGRICULTURAL FOREST USE ZONE

4.01 PURPOSE

The purpose of the Agricultural Forest Use Zone (A-3) is to protect and maintain agricultural forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The A-3 Zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The A-3 Zone has been applied to lands designated as Agricultural Timber-Grazing in the Land Use Plan. The provisions of the A-3 Zone reflect the farm and forest land policies of the Land Use Plan as well as the requirements of ORS Chapter 215 and OAR 660-006 and 660-033. The minimum parcel sizes and other standards established by this zone are intended to promote commercial, agricultural, and forest operations.

The A-3 Zone is a mixed farm-forest zone. The County shall apply either farm or forest use requirements based on a predominant soils analysis for each legally created lot or parcel. If a legally created lot or parcel is predominantly comprised of farmland (or forest land) soils, then the farmland (or forest land) regulation are applied to the subject property.

4.02 PERMITTED USES

In the A-3 Zone predominantly farmland lots and parcels shall comply with Section 2.02 Permitted Uses and predominantly forest land parcels shall ~~comply with~~ authorize the following uses and activities and their accessory buildings and uses subject to the general provisions set forth by this ordinance:-

~~In the A-3 Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:~~

1. Farm use as defined in ORS 215.203.
2. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
3. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation. Auxiliary means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. Auxiliary has the same meaning as subsection 3. of this section.
5. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

Commented [I1]: redundant

Commented [I2]: Made consistent with 660-006-0025(2)(d)

6. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
7. Temporary portable facility for the primary processing of forest products.
8. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Water intake facilities, canals, and distribution lines for farm irrigation and ponds.
11. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.

4.03 ADMINISTRATIVE USES

In the A-3 Zone predominantly farmland lots and parcels shall comply with Section 2.03 Administrative Uses and predominantly forest land parcels may authorize the following uses and activities and their accessory buildings and uses subject to the general provision set forth by this ordinance.

1. Widening of roads within existing rights-of-way in conformance with the transportation element of the acknowledged Land Use Plans and public road and highway projects as described in Section 2.03.04.
2. Towers and fire stations for forest fire protection.
3. Uninhabitable structures accessory to fish and wildlife enhancement.
4. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.
5. A Large Tract Forest Dwelling subject to Subsections 4.05.1 and 4.05.1415, 4.05.13.
6. An Ownership A Lot of Record Dwelling authorized under ORS 215.705 subject to Subsections 4.05.2 and 4.05.1415.
7. A "Template" Dwelling subject to Subsections 4.05.3 and 4.05.1415.
8. An Accessory Forest Dwelling subject to Subsection 4.05.4 and 4.05.15.
9. A Replacement Dwelling Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections 4.05.45 and 4.05.1415.

4.04 CONDITIONAL USES WITH GENERAL REVIEW CRITERIA

In the A-3 Zone predominantly farmland lots and parcels shall comply with Section 2.04 Conditional Uses and predominantly forest land parcels may authorize the following uses and activities and their accessory buildings and uses subject to county review and the specific standards set forth in Article 21.00, as well as the general provision set forth by this ordinance.

1. Temporary forest labor camps.
2. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
3. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

Commented [I3]: This was listed as an Administrative Use but the department does not process these as an administrative use, but as ministerial reviews.

Commented [I4]: I would like to make 1, 2 & 3 permitted uses. OAR allows these as outright uses on forest lands.

Commented [I5]: The Planning Department does not process these as an Administrative Use

Commented [I6]: To be consistent with how it is named in OAR 660-006-0027(1)

Commented [I7]: New use

Commented [I8]: I would like to make this an administrative use

4. ~~An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three month period, as provided in ORS 433.735 as defined in ORS 433.735, subject to provisions of ORS 433.735 to 433.770.~~
5. ~~Youth camps subject to Section 4.09. Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three month period is subject to review by a county planning that meets the criteria commission under of ORS 433.763.~~
6. ~~Youth camps subject to Section 4.09.~~
7. ~~Caretaker residences for public parks and public fish hatcheries subject to Subsection 4.05.4415.~~
78. Log scaling and weigh stations.
89. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
910. ~~A Temporary Hardship Dwelling which is a manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative subject to Subsection 4.05.5-6 and Section 4.06.~~
1011. Parking of up to seven dump trucks and seven trailers.
1112. Home occupations subject to Subsection 4.05.67.
1213. Permanent facility for the primary processing of forest products subject to Subsection 4.05.??.
1314. Permanent logging equipment repair and storage.
1415. Private seasonal accommodations for fee hunting operations subject to Subsections 4.05.98, 4.06. 4.07 and 4.08.
1516. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsections 4.05.9. 4.07 and 4.08.
1617. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 4.04.2 (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
1718. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
1819. Public road and highway projects as described in ORS 215.213(2)(p) through (r) and (10 and 215.283(2)(q) through (s) and (3)Section 2.04.
1920. Expansion of existing airports.
2021. Television, microwave and radio communication facilities and transmission towers.
2122. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
2223. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
2324. Reservoirs and water impoundments.
2425. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

Commented [I9]: Per OAR 600-006-0025(3)(p)

Commented [I10]: I would like to make this an administrative use

Commented [I11]: This was included in #5 but is a separate use from #5.

Commented [I12]: I would like to make this an Administrative Use.

Commented [I13]: I would like to make this an Administrative Use.

Commented [I14]: Consistent with OAR 660-006-0025(4)(w)

~~2526.~~ Commercial utility facilities for the purpose of generating power, not including photovoltaic solar power generation facilities, subject to Subsection 4.05.10.

~~2627.~~ Commercial utility facilities for the purpose of generating power as a photovoltaic solar power generation facility, subject to Subsection ???

~~28.~~ Aids to navigation and aviation.

~~2729.~~ Firearms training facility as provided in ORS 197.770.

~~2830.~~ Fire stations for rural fire protection.

~~2930.~~ Cemeteries.

~~30.~~ Storage structures for emergency supplies subject to Subsection 4.05.11.

~~3131.~~ Public parks subject to Subsection 4.05.12 including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

~~3232.~~ Private parks, and

~~33.~~ Campgrounds, which is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes, subject to Subsection 4.05.14.

~~34.~~ Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.467 and Goal 8.

~~33.~~ Wedding and related events venue subject to Subsection 21.07.10.

Commented [I15]: Consistent with OAR 660-0006-0025(4)(j) & (k)

Commented [I16]: Consistent with OAR-0006-0025(4)(o)

Commented [I17]: This is for storage structures for emergency supplies for communities and households in Tsunami inundation zones, not applicable to eastern Oregon.

Commented [I18]: Consistent with OAR 660-006-0025(4)(f)

Commented [I19]: The definition of private parks can no longer accommodate a campground use

Commented [I20]: Per OAR 660-006-0025(3)(n)

Commented [I21]: Not an allowed use

4.05 USE STANDARDS

1. A ~~Large~~ ~~Tract~~ ~~Forest~~ ~~Dwelling~~ authorized under ORS 215.740 may be allowed on land predominantly comprised of forest soils if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:

- A. The tract is at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to paragraph 4.05.1.C for all tracts that are used to meet the acreage requirements of this subsection.
- B. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
- C. Where one or more lots or parcels are required to meet minimum acreage requirements:

- (1) ~~The applicant shall provide evidence that the record a covenants, conditions and restrictions deed restrictions adopted as "Exhibit A" has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions deed restrictions is located. The deed restrictions shall preclude all future rights to construct a dwelling on the lots or parcels or to use the lots or parcels to total acreage or otherwise qualify for future siting of dwellings for present and any future owners unless the lots or parcels are no longer subject to protection under goals for agricultural lands or forestlands.~~
- (2) The required ~~covenants, conditions and deed~~ 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 deed~~ restrictions is located.

2. ~~Ownership~~ Lot of Record Dwelling.

Commented [I22]: We have no Exhibit A so I revised using the 'intent' language from ORS Section 215.740

Commented [I23]: To provide consistency with OAR 660-006-0027(1)

-
- A. The lot or parcel on which the dwelling will be sited was lawfully created, is predominantly comprised of forest land soils, and was acquired and owned continuously by the present owner as defined in paragraph D:
- (1) Since prior to January 1, 1985; or
 - (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
- B. The tract on which the dwelling will be sited does not include a dwelling;
- C. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract.
- D. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
- E. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
- (1) A United States Bureau of Land Management road; or
 - (2) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
- F. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged Land Use Plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on setback which the acknowledged Land Use Plan and land use regulations intended to protect the habitat are based; and
- G. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
3. A single family "Template" dwelling as authorized under ORS 215.750 on a lot or parcel is predominantly composed of forest land soils that are:
- A. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - B. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - C. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

- (1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
- (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- D. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
- E. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
- F. Except as provided by paragraph G, if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and ¼ mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- G. The following applies where a tract 60 acres or larger abuts a road or perennial stream:
- (1) The measurement shall be made in accordance with paragraph F. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
- (a) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
- (b) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.
- (2) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- H. A proposed "template" dwelling under this ordinance is ~~not~~ allowed if:
- (1) The lot or parcel on which the dwelling will be sited was lawfully established;
- (2) It complies with the requirements of an acknowledged Land Use Plan, acknowledged land use regulations, or other provisions of law;
- (3) Unless it complies with the requirements of Sections 4.07 and 4.08;
- (4) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under Subsection 4.06.1.C for the other lots or parcels that make up the tract are met; or
- (5) If the tract on which the dwelling will be sited does not include a dwelling;
- (6) If the lot or parcel on which the dwelling will be sited was part of tract on January 1, 2019, no dwelling existed on that tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.
- (7) Any property line adjustment to the lot or parcel on which the dwelling will be established complied with the applicable property line adjustment provisions in ORS 92.192; and
- (8) Any property line adjustments to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section.
- I. The dwelling shall comply with the requirements of Sections 4.07, Siting Standards for Dwellings and Structures in Forest Zones, and 4.08, Development and Fire Siting Standards;
- J. If a template dwelling is approved, no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions, as established under Subsection 4.05.1.C, shall be recorded for the other lots or parcels that make up the tract.

Commented [I24]: New statute language. OAR 660-006-0027(6)

Commented [I25]: Moved to Subsection I. and J.

Commented [I26]: New statute language

Commented [I27]: This had said 4.06.1.C, see above, and that was an incorrect reference. The correct subsection was then revised to remove inaccurate wording.

4. An Accessory Forest Dwelling.

A. An accessory forest dwelling may be approved if the following requirements are met:

- (1) The lot of parcel on which the accessory forest dwelling will be sited is at least 240 acres;
- (2) The accessory forest dwelling will be sited on a lot or parcel that contains exactly one existing dwelling that was lawfully established:
 - (a) In existence before November 4, 1993; or
 - (b) Approved under ORS 215.130(6), ORS 215.705, or OAR 660-006-0025(3)(o);
- (3) The lot or parcel on which the accessory forest dwelling will be sited is within a rural fire protection district;
- (4) The existing dwelling is occupied by the property owner or a relative;
- (5) The accessory forest dwelling will be occupied by the owner or a relative;
- (6) The relative of the property owner shall assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition, or supervision of forest lots or parcels of the owner.

B. The accessory forest dwelling shall be located within 200 feet of the existing single-family dwelling.

E. The accessory forest dwelling shall comply with the requirements of Sections 4.07, Siting Standards for Dwellings and Structures in Forest Zones, and 4.08, Development and Fire Siting Standards;

F. The property owner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

G. The property owner shall sign and record in the deed records for the county one or more instruments containing irrevocable deed restrictions that:

- (1) Prohibit the owner and the owner's successors from partitioning the property to separate the accessory forest dwelling from the lot or parcel containing the existing single-family dwelling;
and
- (2) Require that the owner and the owner's successors manage the lot or parcel as a working forest under a written forest management plan, as defined in ORS 526.455, and that is attached to the instrument.
- (3) Prohibit the owner from using the existing dwelling or the accessory forest dwelling for vacation occupancy.

H. Relative means a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin.

45. Alteration, restoration or replacement of a lawfully established dwelling on a predominantly forest land lot or parcel where Subsections A or B apply (Replacement Dwelling) if the following requirements are met:

A. The dwelling to be altered, restored or replaced has, or formerly had, Alteration or restoration 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;

Commented [I28]: New state statute language. This is a use that a county is allowed to adopt but it is not required.

- (3) ~~Has interior wiring for interior lights; and~~
- (4) ~~Has a heating system.~~
- B. An application to alter, restore, or replace a lawfully established dwelling must be filed within three years following the date that the dwelling last possessed all the features listed in subsection A. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- C. For a Replacement Dwelling:
 - (1) If the value of the dwelling to be replaced was eliminated through destruction or demolition, the dwelling must have been assessed as a dwelling for purposes of ad valorem taxation for whichever is the later of the following:
 - (a) The five years before the date of the destruction or demolition; or
 - (b) The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment, or
 - (2) If the value of the dwelling to be replaced has not been eliminated due to destruction or demolition, then the dwelling was assessed as a dwelling for purposes of ad valorem taxation for whichever is the later of the following:
 - (a) Five years before the date of the application; or
 - (b) The date that the dwelling was erected upon or fixed to the land and became the subject to property tax assessment.
- D. Construction of a replacement dwelling must commence no later than four years after the approval of an application.
- E. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy by the building official. The applicant shall provide a copy of the certificate of occupancy to the Planning Department upon issuance and a copy of the demolition permit if structure is to be demolished or removed or building permit if structure is to be converted.
- F. If the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and record with the county clerk a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction is irrevocable unless the county planning director, or the director's designee, records a statement of release with the county clerk stating that the provision of ORS 215.291 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- G. A replacement dwelling must comply with the applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- H. A replacement dwelling may be sited on any part of the same lot or parcel.
- I. A replacement dwelling must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
- J. If an applicant is granted a deferred replacement permit, the deferred replacement permit:
 - (a) Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
 - (b) May not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

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K. A lawfully established dwelling that is destroyed by wildfire may be replaced within 60 months when the county finds, based on substantial evidence, that the dwelling to be replaced contained those items listed in subsection A and complies with other applicable subsections. For purposes of this subsection, substantial evidence includes, but is not limited to, county assessor data. The property owner of record at the time of the wildfire may reside on the subject property in an existing building, tent, travel trailer, yurt, recreational vehicle, or similar accommodation until replacement has been completed or the time for replacement has expired.

56. A ~~Temporary Hardship~~ Dwelling on a predominantly forest land lot or parcel is subject to the following:

A. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:

- (1) The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
- (2) A physician's report verifying need for care;
- (3) The county shall review the permit authorizing such manufactured homes every two years; and
- (4) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. Department of Environmental Quality review and removal requirements also apply.

(5) For medical hardships applied for under a natural hazard event, the temporary dwelling must be established within an existing building or recreational vehicle that is located within 100 feet of the permanent dwelling or the temporary dwelling must be located further 250 feet from adjacent lands zoned for forest or agriculture use.

B. A temporary residence approved under this section is not eligible for replacement under Subsection 2.06.45. ~~Department of Environmental Quality review and removal requirements also apply.~~

C. As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons experienced by the existing resident or relative as defined in ORS chapter 215. "Hardship" also includes situations where a natural hazard event has destroyed homes, caused residential evacuations, or both, and resulted in an Executive Order issued by the Governor declaring an emergency for all or parts of Oregon pursuant to ORS 401.165, et seq.

6. A home occupation on a predominantly forest land lot or parcel:

- A. Shall be operated by a resident or employee of a resident of the property on which the business is located;
- B. Shall employ on the site no more than one full-time or part-time persons;
- C. Shall be operated substantially in:
 - (1) Less than 50% of a dwelling; or
 - (2) Other buildings containing no more than 1,200 square feet normally associated with uses permitted in the zone in which the property is located; and
- D. Shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- E. The home occupation shall be accessory to an existing, permitted dwelling on the same parcel.

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- F. 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.
- G. All off-street parking must be provided on the subject parcel where the one occupation is operated.
 - (1) Employees must use an approved off-street parking area.
 - (2) Customers visiting the home occupation must use an approved off-street parking area.
- H. One (1) sign, up to a total of 32 square feet in area, identifying the home and occupation is permitted but not in the street right-of-way.
- I. Retail sales shall be limited or accessory to a service.
- J. Prohibited Home Occupations.
 - (1) Retail sale of a product on the premises.
 - (2) Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).
- 7. Private seasonal accommodations on predominantly forest land lots or parcels for fee hunting operations are subject to the following requirements:
 - A. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - B. Only minor incidental and accessory retail sales are permitted;
 - C. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and,
- 8. Private accommodations on predominantly forest land lots and parcels for fishing occupied on a temporary basis are subject to the following requirements:
 - A. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - B. Only minor incidental and accessory retail sales are permitted;
 - C. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 - D. Accommodations must be located within one-quarter mile of fish-bearing Class I waters; and,
- 9. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant OAR Chapter 440, Division 4.
- ~~10. Storage structures on predominantly forest land lots and parcels for emergency supplies are subject to the following requirements:~~
 - ~~A. Areas within an urban growth boundary cannot reasonably accommodate the structures;~~
 - ~~B. Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;~~
 - ~~C. The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;~~
 - ~~D. The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and~~

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~~E. Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.~~

11. Public parks on predominantly forest land lots and parcels may include:
 - A. All uses authorized under ORS 215.283 or OAR 660-006-0025;
 - B. The following uses, if authorized in a local or park master plan that is adopted as part of the local Land Use Plan, or if authorized in a state park master plan that is adopted by OPRD:
 - (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - (2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - (3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - (4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump out stations;
 - (5) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;
 - (6) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - (7) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - (8) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education.
 - C. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
 - (1) Meeting halls not exceeding 2,000 square feet of floor area;
 - (2) Dining halls (not restaurants).
12. ~~Private parks and~~ Campgrounds on predominantly forest land lots and parcels may include:
 - A. ~~Campgrounds in private parks~~ may be permitted, subject to the following:
 - (1) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.
 - (2) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

- (3) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (4) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

(5) The campground must be established on a site that contains or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants.

- B. Campsites within campgrounds meeting the requirement of Subsection 4.05.6 and permitted pursuant to Section 4.06 must comply with the following:

- (1) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject subparagraph (3) below.
- (2) 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.
- (3) No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

13. A permanent facility for the primary process of forest products shall meet the following requirements:

- A. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and
- B. Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses.

14. Commercial utility facilities for the purpose of generating power as a photovoltaic solar power generation facility shall meet the following requirements:

- A. A power generation facility considered under this subsection shall not preclude more than 240 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 4.
- B. An application for a facility under this subsection shall comply with the requirements of ORS 215.446(3).

~~13~~15. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4.06 CONDITIONAL USE REVIEW CRITERIA

A use authorized by Section 4.04 of this zone may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
3. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest

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operations consistent with the Forest Practices Act and Rules for uses ~~authorized~~ listed in OAR 6660-006-0025 Subsection 5(c).

4.07 SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section 4.08 to identify the building site:

1. Dwellings and structures shall be sited on the parcel so that:
 - A. They have the least impact on nearby or adjoining forest or agricultural lands;
 - B. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - C. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - D. The risks associated with wildfire are minimized.
2. Siting criteria satisfying Subsection 1 may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - A. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - B. A water use permit issued by the Water Resources Department for the use described in the application; or
 - C. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
4. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
5. Approval of a dwelling shall be subject to the following requirements:
 - A. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - B. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - C. If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will

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verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

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

4.08 DEVELOPMENT AND FIRE SITING STANDARDS

The following standards shall apply to all development in an A-3 Agricultural Timber Zone. Fire siting standards (items 5—8) shall apply only to new dwellings and related structures in the A-3 Zone where the predominant use is forestry [OAR 660-06-055(3)] and where dwellings are on rangeland within one-quarter mile of forest land areas.

- 1. Any proposed division of land included within the A-3 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County (ORS 215.263).
- 2. Setbacks from property lines or road rights-of-way shall be a minimum of 20-feet front and rear yards and 10-feet side yards.
- 3. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.
- 4. Signs shall be limited to the following:
 - A. All off-premises signs within view of any State Highway shall be regulated by State regulation under ORS Chapter 377 and receive building permit approval.
 - B. All on-premises signs shall meet the Oregon Administrative Rule regulations for on-premises signs which have the following standards:
 - (1) Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
 - (2) Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
 - (3) Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
 - (4) Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign.
 - C. All on-premises signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division. No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorist's vision except for emergency purposes.

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- D. All dwelling addresses shall be uniquely designated in accordance with the Union County Road Naming and Addressing Ordinance (Court Order 1988-03) on signs clearly visible and placed at the intersection of the driveway and named road. Rural address markers provided and installed by the Union County Public Works Department shall not be removed, modified or obstructed.
 - E. Signs identifying pertinent information such as "dead end road," "bridge out," and so forth, shall be appropriately placed as designated by Union County.
 - F. Signs identifying location of a fire-fighting water source and each access to that source shall be permanently identified and shall indicate whether it is a fire hydrant, a dry hydrant, or another type of water supply.
5. A new dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body or the nearest rural fire protection district determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the applicant shall provide an alternate means of protecting the dwelling from fire hazards. The means selected may ~~shall~~ include a fire sprinkling system, on site equipment and water storage or other methods which are reasonable, given the site conditions. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

In addition to the domestic water source, emergency water storage for dwellings in forested areas during Department of State Forestry designated fire season shall have a minimum capacity of 500 gallons (year-round source) inside rural fire protection districts, 1,000 gallons in an enclosed container outside rural fire protection districts or 4,000 gallons for open water impoundments outside rural fire protection districts, with a 20 gallon per minute pump and an adequate length of hose and nozzle or an equivalent supply. A gravity flow system, gas powered pump or generator shall be provided in case of a power failure. Property owner/developer shall document each water source and provide that documentation to the appropriate fire protection agency.

6. Access and Evacuation.
- A. Road Construction. All public and private roads shall be constructed to Union County Zoning, Partition and Subdivision Ordinance Section 25.09, Table 7-2 standards; and
 - (1) Public Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 80,000 pounds.
 - (2) Private Roads, bridges, culverts, road surfaces and other structures in the roadbed shall be constructed and maintained to support a gross vehicle weight of 50,000 pounds.
 - B. No public or private road shall be constructed with a curve radius of less than 48 feet, measured from the centerline.
 - C. A vertical clearance of 14 feet 6 inches.
 - D. Driveways in excess of 200 feet long require 20 feet wide by 40 feet long turnouts at a maximum spacing of $\frac{1}{2}$ the driveway length or 400 feet, whichever is less.
 - E. Dead-end roads over 100 feet in length shall have turnarounds of not less than 48 feet radius or where appropriate, a hammerhead turnaround.

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- F Road grades shall not exceed an average of 8% with a maximum of 12% on short pitches, except that Union County shall permit steeper grades where they can be reasonably mitigated and agreed upon by the appropriate fire department or rural fire protection district.

7. Defensible Space.

- A. Fuel Load Reduction. Each residential dwelling or structure in forested areas shall maintain a defensible space of not less than 30-feet.
- B. Ground Fuel. Dead and down material shall be removed. Ground fuel within the defensible space shall be treated (mowed, mulched, converted to compost, etc.) or removed annually or more frequently as directed by the Oregon Department of Forestry.
- C. Thinning and Pruning. Live vegetation within the defensible space shall have all dead material removed and shall be thinned and pruned to reduce fire intensity and rate of spread.
- D. Dead Trees. Dead trees within a dwelling's defensible space shall be removed.
- E. Ladder Fuels. No ornamental shrubbery, single species trees or similar plants shall provide means of rapidly transmitting fire from native growth to structures. Vegetation under trees, within the defensible space, shall be maintained at a height that will preclude it functioning as a "ladder" for fire to travel from ground vegetation into the tree crown.
- F. Landscaping. Where landscaping is desired, the applicant may choose from a recommended list of recognized fire resistant vegetation, found in the Fire Resistant Plants for Home Landscapes.
- G. Secondary Fuel Breaks. The applicant for a dwelling within a predominantly forested area or within $\frac{1}{4}$ mile of a predominantly forested area shall contact Oregon Department of Forestry or the applicable Rural Fire Protection District to determine whether it is necessary to establish a secondary fuel break. If required, a secondary fuel break extending a minimum of 100 feet in all directions is required to reduce fuels so that the overall intensity of any wildfire would be lessened. Vegetation within the secondary fuel break shall be pruned and spaced. Small trees, brush and dead fuels underneath and around larger trees shall be removed.
- H. Secondary Fuel Break Maintenance. If the Oregon Department of Forestry or applicable Rural Fire Protection District determines a secondary fuel break is necessary in addition to the defensible space, the property owner shall maintain the fuel modification outside of the defensible space. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual secondary fuel break maintenance.
- I. Defensible Space Maintenance. The property owner shall maintain a defensible space of 30 feet around the primary dwelling. If the property owner does not permanently reside on the property, then the property owner shall arrange for annual defensible space maintenance.
- J. Location. The dwelling shall not be sited on a slope of greater than 40 percent. New dwellings located closer than 30 feet to a vegetated slope may require special mitigation measures as recommended by an Oregon Department of Forestry Forester. Wider breaks, called secondary fuel breaks, may be required on slopes greater than 30 percent on advice of a State Forester.

8. Design and Construction. All buildings in identified forestland areas or within one-quarter mile of a forestland area shall be designed, located and constructed to comply with Oregon's residential building code and with its fire siting standards. In case of conflict between Oregon's residential building code and these fire siting standards, the more stringent fire protection requirements shall be utilized to mitigate the combustibility of structures exposed to potential wildfire.
- A. Roofing. Only fire-retardant roof covering assemblies rated Class A, B, or C shall be used. Wood shingle and shake roofs are not permitted.

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- B. Re-Roofing or Roofing Repair of Existing Structures and Dwellings. When 50% or more of the roof covering of any building is repaired or replaced within one year, the roof covering shall be made to comply with these fire siting standards. Ventilation shall be made to comply with Oregon's residential building code.
 - C. Attic and Sub-Floor Ventilation. All vents shall be screened with a corrosion-resistant, noncombustible wire mesh in accordance with Oregon's residential building code.
 - D. Eaves. Eaves shall be boxed in with ½ inch nominal sheathing or noncombustible materials.
 - E. Overhanging Projections and Buildings. Porches, decks, patios, balconies, similar undersides of overhangs or the underside of overhanging buildings shall be constructed in accordance with Oregon's residential building code using heavy timber, one-hour fire resistive material or noncombustible material.
 - F. Chimneys and Flues. Every fire place and wood/pellet stove chimney and flue shall be provided with an approved spark arrestor constructed of a minimum 12-gauge welded wire or woven wire mesh, with the openings not to exceed ½ inch. Vegetation shall not be allowed within 10 feet of a chimney outlet.
 - G. Mobile and Manufactured Homes shall be skirted with noncombustible materials.

4.09 YOUTH CAMPS

- 1. The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.
- 2. Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.
- 3. An application for a proposed youth camp shall comply with the following:
 - A. The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph 4.B, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
 - B. The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph 3.A.
 - C. Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
 - D. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - E. A campground as described in Subsection 4.04.32 shall not be established in conjunction with a youth camp.
 - F. A youth camp shall not be allowed in conjunction with an existing golf course.
 - G. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
- 4. The youth camp shall be located on a lawful parcel that is:

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- A. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 80 acres.
 - B. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
 - (1) The proposed setback will prevent conflicts with commercial resource management practices;
 - (2) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - (3) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
 - C. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1) (f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.
5. A youth camp may provide for the following facilities:
- A. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
 - B. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - C. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
 - D. Up to three camp activity buildings, not including primary cooking and eating facilities.
 - E. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 - F. Covered areas that are not fully enclosed.
 - G. Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

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- H. An infirmary may provide sleeping quarters for the medical care provider (e.g., Doctor, Registered Nurse, Emergency Medical Technician, etc.).
 - I. A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.
6. A proposed youth camp shall comply with the following fire safety requirements:
- A. The fire siting standards in Section 4.08;
 - B. A fire safety protection plan shall be developed for each youth camp that includes the following:
 - (1) Fire prevention measures;
 - (2) On site pre-suppression and suppression measures; and
 - (3) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - C. Except as determined under paragraph D, a youth camps on-site fire suppression capability shall at least include:
 - (1) A 1,000 gallon mobile water supply that can access all areas of the camp;
 - (2) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - (3) A sufficient number of fire-fighting hand tools; and
 - (4) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - D. An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
 - E. The provisions of paragraph 6.D may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
7. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4.10 LAND DIVISIONS

- 1. The minimum parcel size for new parcels is 240 acres on predominantly forest land soils and 320 acres on predominantly rangeland soils.
- 2. New land divisions less than the parcel size in Subsection 1 may be approved for any of the following circumstances:
 - A. For the uses listed in Subsections 4.04.2, 3, 6, 7, 12, 13, 16, 20, 22 through 29, 31, and 32 provided that such uses have been approved pursuant to section 4.06 and the parcel created from the division is the minimum size necessary for the use.
 - B. For the establishment of a parcel for an existing dwelling, subject to the following requirements:

Commented [I37]: Consistent with OAR 660-006-0026(2)(b)

- (1) The dwelling lawfully existed on the parcel before June 1, 1995.
- (2) The dwelling has intact exterior walls and roof structures, indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system, interior wiring for interior lights; and a heating system; and
- (3) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and
- (4) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - (a) Meets the minimum land division standards of the zone; or
 - (b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
- (5) The landowner shall record a deed restriction on the parcel not containing the dwelling with the county clerk of the county where the property is located. The deed restriction shall allow no dwellings unless the parcel meets the requirements of subsection 2.B.(4) of this section.

B.C. To allow a division of a predominantly forest land lot or parcel to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection 1. Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection 1 in order to conduct the forest practice. Parcels created pursuant to this paragraph:

- (1) Are not eligible for siting of a new dwelling;
- (2) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
- (3) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
- (4) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - (a) Facilitate an exchange of lands involving a governmental agency; or
 - (b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

D. For the establishment of parcels for at least two existing dwellings, subject to the following requirements:

- (1) Each dwelling lawfully existed on the parcel prior to November 4, 1993.
- (2) Each dwelling must have intact exterior walls and roof structures, indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system, interior wiring for interior lights; and a heating system.
- (3) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
- (4) At least one dwelling is located on each parcel established under this subsection; and
- (5) The landowner of a lot or parcel created under this paragraph provides evidence that a deed restriction prohibiting the landowner and the landowner's successors in interest from further

Commented [I38]: Consistent with OAR 660-006-0026(5)(a)(b)

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dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located.

(6) The dwelling was not approved under:

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

(b) A farm use zone provision.

E. To allow a division of a lawfully established unit of land along an urban growth boundary where a portion of the parcel is located in the urban growth boundary and a portion is outside the urban growth boundary, subject to the following:

(1) The parcel remaining outside the urban growth boundary is smaller than the minimum parcel size and provided that:

(a) If the parcel contains a dwelling, it must be large enough to support continued residential use; or

(b) If the parcel does not contain a dwelling:

(i) It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120; and

(ii) It may not be considered in approving or denying an application for any other dwelling; and

(iii) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space or other natural resource use.

~~E.~~ To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783 to preserve open space or a park.

~~DG.~~ A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the Land Use Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

3. A landowner allowed a land division under Subsection 2 shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

4. A temporary hardship dwelling, accessory forest dwelling, or home occupation shall not be separated from the parcel on which the primary dwelling exists.

Commented [I41]: consistent with OAR 660-006-0026(8)

Commented [I42]: consistent with OAR 660-006-0026(7), with the addition of the accessory forest dwelling