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UMATILLA COUNTY  
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending                    )  
Development Code to Update                )     ORDINANCE NO. 2013-02  
and Revise Multiple Sections                )

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

WHEREAS the Planning Department staff drafted a number of updates to the code, including modifications to minimum area requirements exceptions, development definition, land use division standards, dwelling, boundary line adjustments, surveying requirements, condition uses, variances, animal exemption and density standards, and incorporating legislative changes;

WHEREAS the Umatilla County Planning Commission held a public hearing regarding the proposed amendments on December 13, 2012, and forwarded the proposed amendments to the Board of Commissioners with a recommendation for adoption;

WHEREAS the Board of Commissions held a public hearing on January 29, 2013, to consider the proposed amendments, and voted to approve the amendments to the Land Development Ordinance with revisions.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to the County Land Development Ordinance, codified in Chapter 152 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added):

**§ 152.575 SPECIAL EXCEPTIONS TO  
MINIMUM AREA REQUIREMENTS.  
(Section Deleted)**

*(A) Purpose.* ~~The purpose of this section is to establish special exceptions to the minimum area requirements of certain residential districts. The special exceptions to minimum area requirements is intended to provide a means for modifying such area requirements in cases where a strict adherence~~

~~to them might cause unusual or undue hardship to a property owner and contravene the goals of the Comprehensive Plan for the county. The special exceptions to minimum area requirements are not intended to authorize directly or indirectly speculative land division otherwise prohibited by zoning area requirements. Nothing in this section shall be construed to require the granting of such a special exception. A result of this section shall be the preservation of family~~

farms and the preservation of large parcels of farm and forestry lands. The overall density provisions of the applicable zoning district should be retained whenever possible.

~~(B) Requirements for the granting of a special exception.~~ The provisions of this division shall apply only to those residential zoning districts in which applications for special exceptions to minimum area requirements are specifically authorized. In such zoning districts, the special exception is appropriate for use in the following kinds of situations:

~~(1) The applicant wishes to create a parcel with an area smaller than that required by the existing zoning for the purpose of establishing a building site for the residence of a relative by blood, marriage, or legal adoption, where such relative has need to reside near the applicant's residence in order to share in the operation and maintenance of the applicant's farm or timber raising activity;~~

~~(2) Where there exists a personal, but not necessarily financial, hardship on the part of the applicant and because of this hardship the applicant wishes to partition his or her land for sale, but reserving for the applicant a homestead of less than minimum parcel size required by existing zoning and where:~~

~~(a) The applicant owned the parcel at a time when the proposed partitioning would not have been in violation of the zoning ordinance;~~

~~(b) Relocation of the applicant's house or household from the property would be detrimental to the applicant's well-being.~~

~~(C) Criteria.~~ The Hearings Officer shall consider the following criteria in evaluating an

application for special exceptions to minimum area requirements:

~~(1) Unusual need or circumstances.~~ The applicant shall be required to show that an unusual combination of circumstances and needs similar to those expressed in subdivisions (B)(1) or (2) of this section necessitates the granting of a special exception;

~~(2) Lack of suitable alternatives.~~ A special exception should be granted only in cases where the applicant's needs cannot be satisfied in a suitable manner under the other procedures and provisions of this chapter, except for those dealing with zone changes;

~~(3) Preservation of economic land units.~~ While this granting of any single special exception is unlikely to cause significant detrimental effects upon any residential zoning district, the cumulative effects of such exceptions should be analyzed carefully. The trends and patterns in division of land are to insure that the granting of a special exception will not initiate, accelerate, or otherwise cause the conversion of a zoning district's agricultural or forest lands to more intensive development and uses;

~~(4) Conformance with land division regulations.~~ Any parcel to be created as the result of the granting of a special exception shall conform with all applicable provisions of this chapter and specifically the section on subdivision and partitioning except for those dealing with minimum parcel area. The Hearings Officer may develop and recommend to the Board for adoption additional criteria and policies regarding applications for special exceptions.

~~(D) Partition process required.~~ The

~~granting of a special exception by the Hearings Officer shall be considered only a waiver of minimum area requirements. Such a granting does not constitute an approval to partition land. Any applicant granted a special exception shall be required to conform to all appropriate procedures and requirements for partitioning land.~~

~~(E) *Multiple applications.* Application for a special exception to circumstances or needs of the applicant; the burden of demonstrating such circumstances or needs shall be successively greater for any application beyond the first by the same property owner or for the same parcel.~~

~~(F) *Conditions.* In granting a special exception, reasonable conditions may be imposed as are a necessary to meet the purposes and criteria of this division and the goals and policies of the County Comprehensive Plan. Guarantees and evidence of compliance with such conditions may be required.~~

### § 152.003 DEFINITIONS

~~**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, construction, installation or change of a building or other structure, land division, establishment or termination or a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing.~~

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~~structure, land division, establishment or termination or a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing.~~

~~Development does not include:~~

~~—(1) Signs, markers, aids, etc. placed by a public agency to serve the public~~

~~—(2) Driveways, parking lots, or other open space use areas where no alteration of topography occurs;~~

~~—(3) Minor repairs or improvements to existing structures provided that the alterations do no increase the size or intensity of use, and do not constitute repair of substantial damage, or substantial improvement as defined in this section;~~

~~—(4) Customary dredging associated with routine channel maintenance consistent with State or Federal laws and permits;~~

~~—(5) Replacement of utility facilities necessary to serve established and permitted uses;~~

~~—(6) Accessory residential or noncommercial structures less than 200 square feet in area;~~

~~—(7) Storage of equipment and material associated with residential uses.~~

~~**DEVELOPMENT WITHIN THE SPECIAL FLOOD HAZARD ZONE.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading,~~

paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Development does not include:

(1) Signs, markers, aids, etc. placed by a public agency to serve the public

(2) Driveways, parking lots, or other open space use areas where no alteration of topography occurs;

(3) Minor repairs or improvements to existing structures provided that the alterations do not increase the size or intensity of use, and do not constitute repair of substantial damage, or substantial improvement as defined in this section;

(4) Customary dredging associated with routine channel maintenance consistent with State or Federal laws and permits;

(5) Replacement of utility facilities necessary to serve established and permitted uses;

(6) Accessory residential or noncommercial structures less than 200 120 square feet in area;

(7) Storage of equipment and material associated with residential uses.

#### **§ 152.595 RESTORATION OF NONCONFORMING BUILDING, STRUCTURE OR LOT.**

(A) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored upon the issuance of a zoning permit per § 152.025, and the occupancy or use of such building or structure or part thereof, which

existed at the time of such partial destruction, may be resumed, provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion;

#### **§ 152.684 STANDARDS FOR APPROVAL.**

In granting approval of a Type II Land Division, the Planning Director shall find that the Type II Tentative Plan and required supplementary material:

(A) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and the transportation elements of the Comprehensive Plan. ~~A Traffic Impact Analysis (TIA) may be required pursuant to § 152.019:~~

(D) Complies with provisions of § 152.019, Traffic Impact Analysis (TIA), ~~as~~ when applicable.

(F) Dedicated road or public recorded easement shall be provided to each parcel and conform to right-of-way and improvement standards as follows:

(4) Recorded easements or dedicated public roads required in the Type II Land Division may warrant the installation of road signs at intersections with named or numbered county roads, state highways, or with other existing easements or public roads within or abutting the partitioned land. The Public Works Director will determine if road signs are necessary at these intersections. Such signs shall be of a type approved by the Public Works Director. Easement or public road names or numbers shall be the same as existing named or numbered county or public roads if an extension of such county or public road. All other road names or numbers shall

be selected by the Planning Director as provided in Umatilla County Code of Ordinance, Chapter 93. Road signs shall be installed ~~and maintained~~ by the County, provided the partitioner pays *for* the expense cost of the initial investment of making and placing installation of the sign.

#### § 152.059 LAND USE DECISIONS.

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

#### (K) DWELLINGS.

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

Permits for dwellings approved under this section are valid for four years. A permit extension for an additional two years may be obtained.

#### (I) (1) Primary Farm Dwelling on High Value Farmland.

(1) A Primary Farm Dwellings customarily provided in conjunction with farm use may be allowed on high value farmland as defined in § 152.003 for if the following standards (income test) are met:

(A) ~~Income Test. A dwelling meeting~~

~~the criteria established in OAR 660-33-135 (7):~~

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

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

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

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

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

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

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

5. (e) When calculating the

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

6: (f) Prior to the final approval for a dwelling authorized by this division that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of the Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(i) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

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

7: (g) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized

representative of the Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

8: (h) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

9: (i) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

10: (j) The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

11: (k) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) ~~(K)~~ (11).

(2) Primary Farm Dwelling on Non-High Value Farmland.

A Primary Farm Dwellings customarily provided in conjunction with farm use may be allowed on non-high value farmland as defined in § 152.003 for if the following

standards are met:

(A) (a) *Size Test.* The parcel on which the dwelling will be located is at least 160 acres. A dwelling may be considered customarily provided in conjunction with farm use if:

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

2. (ii) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

3. (iii) There are no other dwellings on the subject tract.

4. (iv) The parcel on which the dwelling will be located is at least 160 acres.

(v) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) ~~(EX)~~ (11).

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

1. (i) The subject tract is currently employed for farm use that produced at least \$40,000 in gross income from the sale of farm products in each of the last two years in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years;

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

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

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

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

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

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

8. (viii) Prior to the final approval for a dwelling authorized by this division that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of the Umatilla

County or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(i) 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

(ii) 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.

9: (ix) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

10: (x) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

11: (xi) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

12: (xii) The County Planning Director shall maintain a copy of the

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

13: (xiii) Sign and record a Covenant Not to Sue as provided in § 152.059 (K)~~(X)~~ (11).

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

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

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

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

~~4. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the~~



establishment of the farm use required by this section;

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

~~6. Sign and record a Covenant Not to Sue as provided in § 152.059 (K)(9).~~

**(H) (3) Lot of Record Dwelling on High Value Farmland.**

~~(1) A Lot of Record Dwelling under this division may be approved allowed on high value farmland as defined in ORS 215.710 (1) and (2) and in § 152.003, if the following standards are met:~~

~~(A) (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.~~

~~1. (i) Since prior to January 1, 1985; or~~

~~2. (ii) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.~~

~~(B) (b) The tract on which the dwelling will be sited does not include a dwelling;~~

~~(C) (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) (d) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.~~

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

~~(F) (f) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;~~

~~(G) (g) To site a Lot of Record Dwelling on high value farmland, the Planning Commission, or the designated Hearings Officer in the county, must determine that:~~

~~1. (i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity;~~

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

~~3. (iii) The dwelling will not~~

materially alter the stability of the overall land use pattern in the area by applying the standards set forth in the impact test § 152.059 (K)(VHH) (10).

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

1. (i) Exceed the facilities and service capabilities of the area;

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

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

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

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

~~((K))~~ (k) For purposes of approving a land use application under this division, The soil class, soil rating or other soil designation set forth by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture of a specific lot or parcel may be changed challenged if the property owner: goes through the process as outlined in OAR 660-033-0045.

1. ~~Submits a statement of agreement from the Natural Resources~~

~~Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or~~

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

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

~~((M))~~ (m) Sign and record a Covenant Not to Sue as provided in § 152.059 (K)~~(X)~~ (11).

~~(2)~~ (4) Lot of Record Dwelling on Non-High Value Farmland.

A Lot of Record Dwelling under this division may be allowed on farmland not defined as non-high value farmland as defined under ORS 215.710(1) & (2) § 152.003 if the following standards are met:

~~((A))~~ (a) The lot or parcel in which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. Owner includes the wife, husband, son, daughter, mother, father,

brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

1: (i) Prior to January 1, 1985; or

2: (ii) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

~~(B)~~ (b) The tract on which the dwelling will be sited does not include a dwelling;

~~(C)~~ (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)~~ (d) The proposed dwelling is not prohibited by and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

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

~~(F)~~ (f) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

~~(G)~~ (g) A dwelling under this section

may be denied if the county determines that the dwelling would:

1: (i) Exceed the facilities and service capabilities of the area;

2: (ii) Materially alter the stability of the overall land use pattern in the area.

3: (iii) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

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

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

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

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

2: (ii) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture stating that the soil class, soil rating or other soil

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

~~((K))~~ (k) Sign and record a Covenant Not to Sue as provided in § 152.059 (K)~~(K)~~ (11).

(III) (5) *Accessory Farm Dwelling.*

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

~~((A))~~ (a) The accessory farm dwelling will be located:

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

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

3. (iii) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the Records Office and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is

re-approved under these rules; or

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

5. (v) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(7); and

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

1. (i) 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~~ § 152.003, and produced at least \$40,000 in gross annual income from the sale of farm products in each of the last two years, in at least three out of the last five years, or based on the average farm income earned on the tract in the best 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.

2. (ii) On land identified as high value farmland as defined in § 152.003, 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~~ § 152.003, and produced at least \$80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three of the last five years, or based on the average farm income earned on the tract in the best 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;

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

(i) 1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

(ii) 2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.230; and a Producer License for the sale of dairy products under ORS 621.072.

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

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

~~(e)~~ (e) Sign and record a Covenant Not to Sue as provided in § 152.059 (K)~~(IX)~~ (11).

~~(v)~~ (6) *Farm relative dwelling.*

(a) A dwelling on real property used for farm use, if the dwelling is located on the same lot or parcel as the dwelling of the farm operator; and occupied by a relative, which means grandparent, grandchild, parent, child, sibling, stepparent, step-grandparent, stepsibling, niece, nephew or first cousin of either the farm operator or the farm operator's spouse, whose assistance in the management of the farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

~~(b)~~ (b) Sign and record a Covenant Not to Sue as provided in § 152.059 (K)~~(IX)~~ (11).

~~(v)~~ (7) *Forest Use Dwelling.*

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

~~(v)~~ (8) *Non-farm dwelling.*

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

(1) (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;

(2) (b) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

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

(B) (ii) A lot or parcel or portion of a lot or parcel is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not generally unsuitable. A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominately of Class I - VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(C) (iii) 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;

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

(A) (i) In determining whether a proposed non farm dwelling will alter the stability of the overall land use pattern of the area, a county shall consider the cumulative impact of non farm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in § 152.059 (K)(VIII) (10) (OAR 660-033-0130 (4)(a)(D).) If the application involves the creation of a new parcel for the non-farm dwelling, a county shall consider whether creation of the parcel will lead to creation of other non-farm parcels, to the detriment of agriculture in the area by applying the standards (impact test) set forth in § 152.059 (K)(VIII) (10).

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

(4) (d) New easements, private roads or public right-of-ways, must meet at a

minimum, the Option 1 design standard as depicted in the County Transportation Plan Figure 7-2A and defined in § 152.648 (D) (30 foot right of way with 16 foot travel lane). Whenever possible, new roads should not be placed upon agricultural land as defined by prior policies;

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

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

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

(C) ~~(f)~~ If the non-farm dwelling site is being created by a land division, the parcel shall comply with the access, improvement requirements, and follow the procedures for land divisions set forth in § 152.710 (D), and shall comply with the applicable dimensional standards of § 152.063;

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

(E) ~~(h)~~ Sign and record a Covenant Not to Sue as provided in § 152.059 (K)~~(IX)~~ (11).

(F) ~~(i)~~ The dwelling will be sited on a lot or parcel created before January 1, 1993. (This date only applies to the placement of a non-farm dwelling on an existing, lawfully created lot or parcel.)

(10) ~~(j)~~ If a single-family dwelling is established on a lot or parcel as set forth in § 152.059 (K) ~~(H)~~ (3) or (4), Lot of Record Dwelling, no additional dwelling may later be sited under the provisions of this sub-section.

~~(VII)~~ (9) *Conversion of an existing farm related dwelling to a non-farm dwelling.*

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

(1) ~~(a)~~ Meets the non-farm dwelling criteria in this section except ~~(VI)~~ ~~(2)~~ (8) (b).

(2) ~~(b)~~ The provisions of § 152.710 (D) are applicable if a non-farm parcel will be created for the non-farm dwelling.

~~(VIII)~~ (10) *Impact Test.*

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

(1) ~~(a)~~ The county shall 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 area. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate

to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non resource uses shall not be included in the study area.

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

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

~~(11)~~ (11) *Covenant Not to Sue.*

All dwellings approved within the EFU zone require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

#### **§ 152.060 CONDITIONAL USES PERMITTED.**

(V) Residential homes as defined in ORS 197.660, in existing dwellings and subject to administrative review procedures in § 152.769 and subject to § 152.059 (K) ~~(IX)~~ (11) and in § 152.617 (I) (R).

(Y) Room and board arrangements for a maximum of five unrelated persons in an existing residence and subject to § 152.059 (K) ~~(IX)~~ (11).

#### **§ 152.062 PARCEL SIZES.**

(C) *Creation of a non-farm dwelling parcel.* A parcel may be established for a new non-farm dwelling or for an existing farm related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in § 152.059 (K) ~~(VI)~~ (8) and/or ~~(VII)~~ (9) and follows the procedures and complies with the standards in § 152.710 (D), Type IV, Review III Land Division application process.

#### **§ 152.086 LIMITATIONS ON CONDITIONAL USES.**

The following limitations shall apply, if determined appropriate, to all conditional uses in the GF Zone as found in OAR 660-006-0025 (5), except as noted for non-farm dwellings in § 152.059 (K) ~~(IV)~~ (8) and referenced in §152.084 (K) (I):



**§ 152.087 PARCEL SIZES.**

(C) For a non-farm dwelling on a parcel determined to have a predominate agricultural use as of January 1, 1993. A parcel may be established for a new non-farm dwelling or for an existing farm-related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in §§152.059 (K)(~~VH~~) (8) and/or (~~VH~~) (9), following and complying with the standards and procedures in § 152.710 (D), Type IV, Review III Land Division application process.

**§ 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.**

(D) Review III.

(4) Criteria for approval of a Type IV, Review III, Level I Land Division application. The review criteria to create up to two new non-farm dwelling parcels from a parent lot or parcel that is larger than 160 acres.

(a) The non-farm dwellings have been approved under UCDC §152.059 (K)(~~VH~~) (8);

(5) Criteria for approval of a Type IV, Review III, Level II Land Division application: The following criteria apply to a parent lot or parcel that is larger than 40 acres but less than 160 acres in size. The land division is to divide a lot or parcel into two parcels, each to contain a non-farm dwelling. The parent parcel and the new parcel must both qualify as non-farm dwelling parcels.

(a) The non-farm dwellings have been approved under UCDC §152.059 (K)(~~VH~~) (8);

**§ 152.003 DEFINITIONS.**

**BOUNDARY LINE ADJUSTMENT. See PROPERTY LINE ADJUSTMENT**

**PROPERTY LINE ADJUSTMENT.**

(1) Any adjustment of a lot or parcel line by the relocation of a common boundary **"Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel** where:

(a) An additional parcel is not created, except as allowed due to mortgage or ownership restrictions, and as addressed by the recording of a Covenant Not to Sell Separately; and

(b) ~~The existing parcel reduced in size by the adjustment within an exclusive farm use zone is not reduced more than 11% below the minimum lot or parcel size established by § 152.062 (A) unless the parcel is already substandard-sized; and~~

(c) ~~(b)~~ The existing parcel reduced in size by the adjustment is not reduced below the minimum lot or parcel size established by the zoning district, unless the lot or parcel is already of a substandard size; and

(d) ~~(c)~~ The lot is not within a platted subdivision. ; and

(e) ~~The parcel is not within a partition platted since January 1, 1990.~~

(2) An adjustment of a lot or parcel line created prior to January 1, 1990 where it can be shown by a survey from a surveyor licensed in Oregon that the surveyed boundary **property** lines do not correspond with physical

boundary marks (such as fences) thought to be the true property lines by adjoining property owners, when these physical boundary markers have existed for at least 10 years, proof of which shall be provided by the person seeking the change of the lot.

(3) An amendment to a recorded subdivision or partition plat to correct errors or omissions of data on the plat, as provided in ORS 92.170.

**LAND DIVISION.** To divide a tract of land into two or more tracts, parcels or lots when such area or tract of land exists as a unit or contiguous units of land under single ownership, ~~and to adjust the common boundaries between two or more tracts, parcels, or lots.~~

**§ 152.721 PRE-FILING CONFERENCE; ~~LAND DIVISION~~ PROPERTY LINE ADJUSTMENT APPLICATION.**

(A) An applicant requesting a Type V Land Division shall may request and hold a pre-filing conference with the Planning Department staff.

(B) ~~Within 45 days of the date of the conference,~~ The applicant shall file with the Planning Department a completed ~~land division~~ property line adjustment application, including the following:

(1) A legible scale map or survey containing the following information:

(I) The location and use of any buildings or structures within 100 feet of the proposed adjusted boundary that are to remain after the boundary property line adjustment is accomplished.

(6) A list of all utility companies or

agencies serving the property or occupying easements on the property, and a letter of approval from any utility company or agency occupying an easement directly affected by the proposed boundary property line relocation;

(8) A survey may be required per § 152.644 (6).

(9) Provide copies of the legal descriptions and survey map (if applicable) to the County GIS Department and the County Surveyor's office.

(10) Payment of the established Planning Department application fee, the GIS Department review fee and the County Surveyor review fee.

**§ 152.722 STANDARDS FOR APPROVAL.**

The Planning Department staff shall examine the application, make sure that it is complete, and shall act on it within five working days, provided the request complies with the following standards:

(B) The request meets the definition of a boundary property line adjustment per the definitions contained in §152.003.

(E) The request will not result in the reduction of lots or parcels below the minimum lot or parcel size and/or dwelling unit density standard for the underlying zone ~~in which they are located,~~ unless:

(1) ~~The properties involved are already below that minimum parcel size and/or dwelling unit density standard;~~ One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is

as large as or larger than the minimum lot or parcel size for the applicable zone; or

(2) ~~The parcel being increased in size by the request is "farm land" as defined in this chapter. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.~~

(F) If the request will result in the creation of a separate, new tax lot unit of land due to mortgage restrictions, or other legal restrictions preventing the combination of the property to be transferred into an existing tax lot unit of land, a Covenant Not to Sell Separately will be prepared. This covenant must be signed by the parties receiving the property and must be recorded in the deed records of the county prior to issuance of approval of the boundary property line adjustment. A copy of the signed covenant and proof of recording shall be provided to the Planning Department prior to issuance of approval.

(I) A property line adjustment may include a parcel(s) created through a partition plat for property within a resource zone (i.e. EFU, GF, etc.), subject to the following requirements:

(1) A survey may be required pursuant to § 152.644 (6)

(2) The property line adjustment application shall be reviewed by the County Surveyor; and,

(3) The application shall follow the process outlined in §§ 152.721 through 152.725.

(4) A property line adjustment shall not include a parcel(s) created through a

partition plat for property within a non-resource zone (i.e. Rural Residential, Commercial, etc.),

(J) A property line adjustment for property within a resource zone (i.e. EFU, GF, etc.), may not be used to:

(1) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(2) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(3) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

§ 152.723 DENIAL.

If the Planning Department staff finds that a request does not comply with the above standards, the request shall either be denied, or the applicant may apply for a variance pursuant to § 152.625 through 152.630 withdraw the application.

§ 152.724 PROCEDURE UPON

## APPROVAL.

(A) Within 10 or 15 working days after approval is granted, the Planning Department will have the approved property line adjustment application form, legal descriptions and map (reduced to 8.5' x 11') recorded in the deed records of the county in order to provide an accessible public record that will be identifiable during a title search. The applicant will be assessed a fee, payable by check to Office of County Records, for the appropriate recording fee.

(B) Once a boundary property line adjustment has been approved by the Planning Department staff, the applicant has one year within which to exercise the approval by either:

(1) Recording a deed or deeds in the county deed records, if transfer of title is required in order to accomplish the boundary property line adjustment; or

(2) If the boundary property line adjustment is between parcels owned by the same person or persons, insure that the taxes are paid on all affected properties and that the Assessor's Office has changed the tax maps to reflect the approval.

(C) The applicant must provide notice to the Planning Department of the actions required in division (B) of this section. Failure to exercise approval of the boundary property line adjustment and provide the Planning Department notice within one year from the date of approval shall cause the approval to become null and void.

(D) The Planning Department will provide notice to the Assessor's Office of each boundary property line adjustment approval,

and the Assessor's Office will so alter their maps, provided that the taxes are currently paid. The complete application will serve as adequate consent on the part of the property owner(s) to empower the Assessor's Office to make the requested, approved adjustment to the tax lot boundaries. However, it is the applicant's responsibility to contact the Assessor's Office, and comply with their requirements in order for the boundary property line adjustment approval to be exercised within one year.

## § 152.646 PROPOSALS DESIGNATED TO LAND DIVISION TYPES.

### (E) *Type V Land Division.*

(1) The following proposals are designated Type V Land Divisions: boundary property line adjustments, including replats of partitions applied for prior to January 1, 1990; survey corrections; and corrections to recorded plats, per ORS 92.170.

(2) Review and approval procedures for Type V Land Divisions are set forth in §§ 152.720 through 152.725 of this chapter.

## § 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM

(C) *Review II.* The following review and approval standards of a Type IV, Review II Land Division application is for the creation of parcels equal to or greater than 80 acres, within the EFU zone and/or identified Critical Winter Range. Parcels less than 80 acres may be established if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9).

(3) *Criteria for approval of a Type IV, Review II Land Division application* (Note: Approval of a Type IV, Review II Land

Division will not qualify new parcels for a farm dwelling; farm dwellings must qualify under Section 152.059(K) :

(d) All parcels created will be 80 to 160 acres, in accordance with ORS 215.780; or, parcels less than 80 acres may be established if located within an approved “go below” area pursuant to OAR 660-033-0100(1)-(9). Parcels created through this process cannot subsequently be decreased below 80 acres or the size specified in the authorized “go below” by a land division or boundary property line adjustment.

**§ 152.739 PROCEDURE UPON APPROVAL.**

(D) The Planning Department will provide notice to the Assessor’s Office of each Type VI Land Division approval, and the Assessor’s Office will so alter their maps, provided that the taxes are currently paid. The complete application will serve as adequate consent on the part of the property owner(s) to empower the Assessor’s Office to make the requested, approved adjustment to the tax lot boundaries. However, it is the applicant's responsibility to contact the Assessor’s Office, and comply with their requirements in order for the boundary property line adjustment approval to be exercised within one year.

**§ 152.644 SURVEYING REQUIRED.**

(A) It is required that a survey prepared by a licensed Oregon land surveyor be prepared, filed, and recorded for the following types of land divisions requests:

(1) Final plats of Type I Land Division (subdivision plats).

(2) Final plats of Type II Land

Divisions, for which the smallest parcel is 10 acres or less in size (partition plats in non-resource ~~and EFU-10, EFU-20, and EFU-40~~ zones).

(3) Final plats of Type III Land Divisions (replats). *A Type III Land Division does not require a survey if the original plat was unsurveyed, unless the new parcels being created through the replat process meets the provisions of (2), (4) or (5) of this section.*

(4) Final plats of Type IV Land Divisions, for which the smallest parcel is 10 acres or less in size (partition plats in the ~~EFU~~ and ~~GF~~ resource zones).

(5) Final plats of Type II and Type IV Land Divisions, if required by the ~~Planning Director~~ as a condition of approval, for which the smallest parcel is more than 10 acres in size in accordance with ORS 92.055.

(6) *Property line adjustment, Type V Land Divisions if:*

*(a) a parcel included in the adjustment is 10 acres or less in size; or,*

*(b) the amount of property being adjusted is 10 acres or less in size; or,*

*(c) a survey may be required if the property is larger than 10 acres in size and the following circumstances apply:*

*(i) the adjusted property line(s) meanders along a unique geographical feature(s) requiring a more detailed survey of the adjustment area; or,*

*(ii) the location of existing features (i.e. structures, fences, easements) are uncertain in relation to the*

adjusted property line(s).

(7) Boundary **Property line** adjustment maps of Type V Land Divisions which are "survey corrections," as defined in § 152.641 ~~003~~, or corrections to a recorded subdivision or partition plat.

(8) Parcels created in excess of 80 acres do not may need to be shown on a partition plat or surveyed.

(B) While surveys are not required to be submitted for tentative plan approval, valid legal descriptions are required as part of an initial land division application.

~~§ 152.009 AUTHORIZATION OF SIMILAR USES. [Section Deleted]~~

~~The Planning Commission may permit as a conditional use in a particular zone a use not listed in this chapter, provided the use is of the same general type as the uses permitted there by this chapter.~~

**§152.247 CONDITIONAL USES PERMITTED.**

In a RSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ 152.610 through 152.616, §152.248 and §152.250 upon the issuance of a zoning permit:

(J) Other uses similar to the uses permitted or the conditional uses normally located in a Retail/Service Commercial Zone, provided that the use has the approval of the Planning Director or Planning Commission.

**§152.253 CONDITIONAL USES PERMITTED.**

In a RRSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ 152.610 through 152.616, ~~and~~ § 152.254 through and § 152.256 of this chapter and upon the issuance of a zoning permit:

(J) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Retail/Service Commercial Zone, provided that the use has the approval of the Planning Director or Planning Commission.

**§ 152.277 CONDITIONAL USES PERMITTED.**

In a TC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§ 152.610 through 152.616, § 152.278 and § 152.280 and upon the issuance of a zoning permit:

(E) Other uses similar to the uses permitted or the conditional uses normally located in a Tourist Commercial Zone, providing that it has the approval of the Planning Director or Planning Commission.

**§152.283 CONDITIONAL USES PERMITTED.**

In an RTC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§152.610 through 152.616, ~~and~~ § 152.284 through and § 152.286 of this chapter, and upon the issuance of a zoning permit:

(E) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Tourist Commercial Zone, providing that it has the approval of the Planning Director or Planning Commission.

**§ 152.292 CONDITIONAL USES PERMITTED.**

In an AB Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616, § 152.293 and § 152.294 of this chapter, and upon the issuance of a zoning permit:

(R) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted agri-business type uses. The land use must comply with one or both of the following standards:

(1) Provides a commercial or industrial use related to and supportive of the agricultural activities in the local area, or

(2) Provides an agriculturally related product or service.

**§ 152.303 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, § 152.303 and § 152.306 and upon the issuance of a zoning permit:

(17) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, ~~shall only be incidental and directly related to the operation of permitted industrial uses~~

providing that it has the approval of the Planning Director or Planning Commission.

**§152.309 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In an RLI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, ~~and § 152.310 through~~ and § 152.312 and upon the issuance of a zoning permit:

(13) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, ~~shall only be incidental and directly related to the operation of permitted industrial uses~~ providing that it has the approval of the Planning Director or Planning Commission.

**§152.315 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In an LRLI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, § 152.316 and § 152.318 and upon the issuance of a zoning permit:

(13) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, ~~shall only be incidental and directly related to the operation of permitted industrial uses~~ providing that it has the approval of the Planning Director or Planning Commission.

Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size limitation.

**§ 152.322 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In a HI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, § 152.323 and § 152.325 and upon the issuance of a zoning permit:

(8) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission. ~~Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section.~~

**§ 152.328 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In an RHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, § 152.329 through and § 152.331 and upon the issuance of a zoning permit:

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed

providing that it has the approval of the Planning Director or Planning Commission. ~~Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section.~~

**§ 152.334 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.**

(A) In an LRHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, § 152.334A through and § 152.334C and upon the issuance of a zoning permit:

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission. ~~Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section.~~ Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size limitation.

**§ 152.627 CIRCUMSTANCES FOR GRANTING A VARIANCE.**

A variance may be granted under some or all of the following circumstances:

(A) Exceptional or extraordinary circumstances apply to the property which do



not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this chapter have had no control;

(B) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owner of other property in the same zone or vicinity;

(C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy;

(D) The variance requested is the minimum variance which would alleviate the hardship.

(E) At no time shall a setback from a property line or access easement be decreased below 5 feet in any zone.

#### **§ 152.629 TIME LIMIT ON A VARIANCE.**

A variance shall be void after one year or such lesser time as the permit may specify unless ~~20% of the estimated project cost has occurred or the land has been separated and has been segregated in the County Assessor's Office.~~ However, the Planning Director may extend authorization for an additional period, not to exceed one year, on the request of the applicant. The total time allowed shall not exceed two years from the original approved date.

#### **§152.750 AUTHORIZATION TO INITIATE AMENDMENTS.**

(1) An amendment to the text of this chapter or to a zoning map may be initiated by the County Board of Commissioners, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Director, using forms prescribed pursuant to § 152.767.

(2) The Planning Director is hereby assigned the duties of continuing the codification process of Chapters 150 - 153 of this Development Code. The Planning Director shall endeavor to maintain the Development Code as current as reasonably possible. After consultation with County Counsel, the Planning Director may also strike figures or words that are repetitious or unnecessary, may change capitalization, punctuation and style for the purpose of uniformity, and may correct clerical and typographical errors. But, the Planning Director, in making such changes may not alter the sense, meaning, effect or substance of any ordinance or chapter of this Code.

#### **§ 152.133 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the RR 2 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum are required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed

above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

**(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews:**

**(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.**

**(2) The boarding and raising of hogs shall be for educational purposes.**

**(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.**

**(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.**

**(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.**

**(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.**

**(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.**

**(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.**

#### § 152.158 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-4 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum are required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

**(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;**

**(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.**

**(2) The boarding and raising of hogs shall be for educational purposes.**

**(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.**

**(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.**

**(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.**

**(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.**

**(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.**

**(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.**

#### **§ 152.163 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-10 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum are required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur bearing

animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

**(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;**

**(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.**

**(2) The boarding and raising of hogs shall be for educational purposes.**

**(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.**

**(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.**

**(5) The boarding and raising of**

**market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.**

**(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.**

**(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.**

**(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.**

#### **§ 152.338 LIMITATIONS ON USE.**

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the FU-10 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing

animal shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of

market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.

#### §3.074 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-1 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing animal shall be confined on not more than

25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of

market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.

#### §3.079 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-1A Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing animal shall be confined on not more than

25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of

market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.

#### §3.089 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-2 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing animal shall be confined on not more than

25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of

market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.

#### §3.097 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the R-3 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than two acres. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on three acres only six animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl or fur-bearing animal shall be confined on not more than



25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA ( Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of

market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.

#### **§ 152.062 PARCEL SIZES.**

In an all EFU zones, (EFU, EFU-10, EFU-20 and EFU-40) the following standards shall apply for the creation of new parcels:

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

(B) Farm parcels. Parcels of 80 to 160 acres may be established through § 152.710 (C), Type IV, Review II Land Division application process. ~~Parcels less than 80 acres may be established through § 152.710 (C), Type IV, Review II Land Division application process-~~ if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9).

(C) *Creation of a non-farm dwelling parcel.* A parcel may be established for a new non-farm dwelling or for an existing farm related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in § 152.059 (K)(VI) ~~(8)~~ and/or (VII) ~~(9)~~ and follows the procedures and complies with the standards in § 152.710 (D), Type IV, Review III Land Division application process.

(D) *Creation of other non-farm and conditional use parcels.* The minimum lot area for other “non-farm” uses permitted in this zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application process.

(E) *Go-Below Areas.* For those properties within an area so designated by the Umatilla County Comprehensive Plan, parcels may be established below the 160-acre minimum parcel size that meets the criteria of the Comprehensive Plan. Parcels less than 80 acres may be established through § 152.710 (C), Type IV, Review II Land Division application process if located within an approved “go below” area pursuant to OAR 660-033-0100(1)-(9).

*Parcels within an approved “go-below” area designated by the Comprehensive Plan may be established to a size below the 160-acre minimum parcel size. Parcels within an approved “go-below” area may be established through § 152.710 (C), Type IV, Review II Land Division application process.*

#### **§ 152.058 USES PERMITTED WITH A ZONING PERMIT.**

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§

152.007, 152.025, and the regulations in §§ 152.010 through 152.017 and §§ 152.545 to 152.562:

*(R) Agri-Tourism or other commercial event or activity, Expedited. 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. Direct agricultural sales do not fall within this category and do not require a permit under this section. An active conditional use permit for a single or multiple (6 events) agri-tourism or other commercial event or activity on the same tract precludes the issuance of an expedited single-event license. 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 the County or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:*

*(1) Must be related to and supportive of agriculture as well as incidental and subordinate to existing farm use on the tract;*

*(2) May not begin before 6 a.m. or end after 10 p.m.;*

*(3) May not involve more than 100 attendees or 50 vehicles;*

*(4) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;*

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

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

(7) Must comply with applicable health and fire and life safety requirements.

**§ 152.060 CONDITIONAL USES PERMITTED.**

In an EFU zone the following uses may be permitted conditionally via administrative review (§152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to §152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed in OAR 660, Division 033.

(EE) Agri-tourism or other commercial event or activity as provided by §152.617 (I) (W).

**§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU AND GF ZONED LANDS.**

**(I) EFU AND GF ZONE CONDITIONAL USES**

(W) Agri-Tourism or other commercial event or activity. The County may authorize the use of temporary structures established

in connection with the agri-tourism or other commercial events or activities. However, the temporary structures must be removed at the end of the agri-tourism or other commercial event or activity. The County may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized, including, but not limited to, grading, filling or paving.

The authorizations provided 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.

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use. Only one type of event (single, single expedited, multiple 6 events) can be authorized at a time on a tract of land. Direct agricultural sales do not fall within this category and do not require a permit under this section

(I) Single Event: The County may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

(a) The agri-tourism or other commercial event or activity is related to and supportive of agriculture as well as incidental and subordinate to existing farm use on the tract;

(b) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

(c) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

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

(e) The agri-tourism or other commercial event or activity complies with §152.061;

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

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

(i) Planned hours of operation;

(ii) Access, egress and parking;

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

(iv) Sanitation and solid waste.

(2) Multiple Events (6 events): The County may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is

not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(a) Must be incidental and subordinate to existing farm use on the tract;

(b) May not, individually, exceed a duration of 72 consecutive hours;

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

(d) Must comply with §152.061;

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

(f) Must comply with conditions established for:

(i) 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;

(ii) 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;

(iii) The location of access and egress and parking facilities to be used in

connection with the agri-tourism or other commercial events or activities;

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

(v) Sanitation and solid waste.

(g) The County may issue the limited use permits for two calendar years. When considering an application for renewal, the County shall ensure compliance with these provisions, 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.

(3) Multiple Events (18 events): The County may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

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

(b) Comply with these requirements:

(i) 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;

(ii) Must comply with §152.061;

(iii) 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

(iv) Must comply with conditions established for:

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

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

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

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

5. Sanitation and solid waste.

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

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

(e) A holder of a permit authorized by the County under this subsection must request review of the permit at four-year intervals. Upon receipt of a request for review, the County shall:

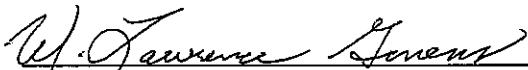
(i) Provide public notice and an opportunity for public comment as part of the review process; and


(ii) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit.

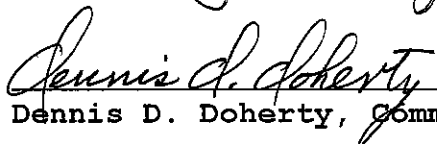
FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force and effect from and after its adoption.

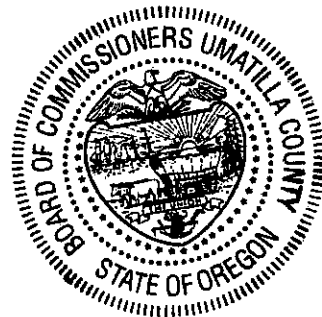
DATED this 29th day of January, 2013.

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
W. Lawrence Givens, Chair

  
\_\_\_\_\_  
William J. Elfering, Commissioner

  
\_\_\_\_\_  
Dennis D. Doherty, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

  
\_\_\_\_\_  
Records Officer

