

## CHAPTER 6 - LAND USE ZONES

### ARTICLE 60 - BASIC PROVISIONS

#### 60.010 - PURPOSE

The purpose of this Chapter is to establish land use Zones required to implement the goals and policies of the Grant County Comprehensive Plan, to define the purpose of each Zone, and to specify the types of land uses appropriate for each Zone. More specifically, the Zones are formulated:

- A. To permit orderly and beneficial development, while protecting the character of neighborhoods and communities, and the social and economic stability of the County;
- B. To reconcile discordant land uses by identifying the relationship between compatible uses which minimize land use conflicts;
- C. To support the protection and preservation of the agricultural and silvicultural industry and the natural resources essential to the conduct of those industries;
- D. To support the protection and preservation of the natural and recreational resources while providing for appropriate development;
- E. To provide areas where forestry, agricultural, residential, commercial, and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments; and
- F. To further the goals and policies of the Grant County Comprehensive Plan.

**60.020 - LIST OF BASIC ZONES**

For the purposes of this Code the following Zones are established:

<b>Zone</b>	<b>Map Symbol</b>
Suburban Residential	SR-1 SR-2
General Commercial	GC
General Industrial	GI
Airport Combining	AC
Flood Hazard Combining	FP
Geologic Hazard Combining	GH
Planned Unit Development Combining	PUD
Greenway Combining	GW
Exclusive Farm Use	EFU - 80(160)
Primary Forest	PF - 80(240)
Multiple Use Range	MUR - 160(320)
Rural Residential Zones	RR-5 RR-10 RR-20 RR-40
Rural Service Center	RSC-1
Rural Industrial Development Combining	RIDC
Significant Resource	SR

**60.030 - LIST OF COMBINING ZONES**

The Combining Zone is a series of requirements which allow or regulate certain uses, types of land development and land divisions. The Combining Zone is delineated by a special line and/or a special symbol on the map. The Combining Zones used in Grant County are as follows:

- |                          |                              |
|--------------------------|------------------------------|
| Flood Hazard             | Water Hazard                 |
| Big Game                 | Mineral & Aggregate          |
| Wild & Scenic Rivers     | Greenway                     |
| Airport                  | Rural Industrial Development |
| Geologic Hazard          | Significant Resource         |
| Planned Unit Development |                              |

**60.040 - APPLICABILITY OF ZONE**

- A. The regulations, uses, and requirements which follow shall apply to all lands as zoned on the official Zoning Map for Grant County under that zoning designation. A use or structure which does not conform to these regulations and which lawfully existed at the time of adoption of this Code may be continued subject to the requirements of Article 13.
- B. Structures which are erected, altered, enlarged or moved, and land which is used or divided in any Zone in this Code shall comply with provisions of this Code.

**60.050 - MULTIPLE ZONED PARCELS**

- A. Whenever a lot or parcel has more than one Zone, only uses which comply with the zone shall be allowed on the parcel, and the uses shall be confined to only that portion of the property in which the Zone allows such use.
- B. The property may be partitioned along Zoning boundaries without complying with the general area or width requirements of the Zone. However, all other Code requirements shall be met, such as access, setbacks and lot design.

**60.060 - SIMILAR USES**

- A. The Planning Director may rule that an unlisted use is an allowed use within a Zone if the following criteria are met:
  - 1. The proposed use is not listed as a use (Permitted, Administrative Permit, Conditional Use or Temporary Use) in any other Zone;

2. The proposed use is similar to one or more listed uses. Uses are similar if their general activities are alike and the resulting impacts are similar in type and intensity; and
  3. The request for a similar use is part of a specific development proposal for the Zone.
- B. The Planning Director shall review the similar use request as part of the specific development proposal which gives rise to it. If the development proposal includes more than one type of application, the highest level of review shall be used for all the applications including the proposed similar use. The similar use shall not be processed using a different type of review procedure than that required for the application package.

**60.070 - POLICIES AND LEVELS OF SERVICE**

[RESERVED FOR FUTURE EXPANSION]

## **ARTICLE 61 - SUBURBAN RESIDENTIAL ZONE**

### **61.010 - PURPOSE**

The purpose of this Zone is to preserve the rural character of Grant County while providing areas for suburban residential living. This Zone provides a classification for lands already committed to residential development within an urban growth boundary, or for lands which have been excepted from the Statewide Planning Goals on Agriculture and Forest Lands. Densities established by this Zone for developing areas are intended to ensure that development does not exceed the carrying capacity of the land to support sewage disposal systems, consumptive groundwater withdrawal, and environmental quality.

### **61.020 - PERMITTED USES (TYPE I)**

The following uses and their accessory uses shall be permitted with the issuance of a Zoning permit, processed as a Type I Review Procedure under the requirements of Section 22.030, and shall meet the standards set out in Section 61.070 when applicable:

- A. Single Family Dwelling, including a Manufactured Home/Mobile Home meeting the requirements of Article 77.
- B. One temporary sign for a subdivision not to exceed 32 square feet subject to Article 74.
- C. Farm Use, subject to Article 61.060.
- D. Residential Home or Residential Facility in accordance with 11.030.

### **61.030 - ADMINISTRATIVE PERMIT USES**

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure as set out in Section 22.040 and shall meet the standards set out in Section 61.070 when applicable:

- A. Home Occupations subject to Article 92 [possible CUP].
- B. Subdivision or PUD, including those designated to permit mobile homes.
- C. Signs subject to Article 74.
- D. Two-family dwellings.

- E. Real estate tract sales office subject to the following criteria:
  - 1. The office must be located as part of a residential subdivision or planned unit development and no sales may be made for property other than lots contained within the subject residential development;
  - 2. Upon termination of the sales activity the structure shall be removed or converted to a use permitted by this Zone.
- F. Open, non-commercial storage of up to four motor vehicles, from which parts have not been removed, when such vehicles are currently un-licensed, or when the stored vehicles are owned by an individual other than the resident or owner of the property.
- G. Boat landings and docks.

#### **61.040 - CONDITIONAL USES**

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Planning Commission Review Procedure under Article 24 as specified, and shall meet the standards set out in Section 61.070 when applicable:

- A. Multi-family dwelling or condominium.
- B. Mobile home park.
- C. Public or semi-public use, including government structures.
- D. Day care or kindergarten.
- E. Home Occupation [or Administrative Permit Use above].
- F. Church.
- G. Hospital, nursing home, convalescent or retirement home.
- H. Golf Course and other open land recreational uses and their customary and incidental accessory uses.

- I. Utility facilities necessary for public service to the area.
- J. Public or private school.

**SECTION 61.050 - TEMPORARY USES**

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall meet the standards set out in Section 61.070 when applicable:

- A. One additional dwelling for a medical hardship;
- B. Mass gathering;
- C. Temporary storage of an unoccupied manufactured dwelling.

**61.060 - CRITERIA FOR FARM USE**

Farm uses in the Suburban Residential Zone shall meet the following standards:

- A. Farm uses shall not interfere with the use of adjoining residential properties;
- B. All farm animals shall be confined to the property;
- C. Any stall, barn, pen, coop, or similar structure in which animals are housed, excluding fenced pastures, shall not be located closer than 35 feet from any property line, in addition to the requirements of Article 72;
- D. Farm uses shall not include hog and mink farms, livestock feed and sales yards, and shall not constitute a sanitation or health hazard.

**61.070 - PROPERTY DEVELOPMENT STANDARDS**

The following standards will apply, as appropriate, to all development and land divisions within the S-R Zone:

- A. Minimum Lot Area.
  - 1. One acre if no public facilities.

A single family dwelling or non-residential use not served by an approved community or municipal water and sewer system shall have a minimum lot area of one acre.

2. In areas that are zoned Suburban Residential after January 1, 1997.

A single-family dwelling or non-residential use not served by an approved community or municipal water and sewer system shall have a minimum lot area of:

- |    |      |                |
|----|------|----------------|
| a. | SR-1 | One (1) acre   |
| b. | SR-2 | Two (2) acres  |
| c. | SR-5 | Five (5) acres |

3. Area subject to municipal standards if public facilities.

All permitted developments served by an approved community or municipal water and sewer system shall meet the lot area standards adopted by the affected City.

B. Lot Size and Shape - See Article 71

1. Front Yard. No less than 20 feet deep.
2. Side Yards. The sum of the width of side yards shall be a minimum of 12 feet, and each side yard shall be a minimum of three feet, except that on corner lots the side yard on the street side shall be a minimum of 10 feet.
3. Rear Yard. No less than 10 feet deep.

C. Building Height.

1. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed 35 feet in height when measured from the average grade of lot, except hospitals, public schools or churches, which may be increased in height to 45 feet.

D. Vision Clearance (corner lots).



1. Measurement - clear vision triangle for corner lots. Dimensions given in this subsection are measured from the intersection laterally along the subject property lines abutting intersecting streets with a connecting line to form a triangle. Within the clear vision triangle no shrubs or fences shall be allowed from a height of two and one-half to seven feet to ensure vision clearance for traffic.
  2. Street Intersections. A minimum of 20 feet.
  3. Alley-street intersections. A minimum of seven and one-half feet.
- E. Off-Street Parking and Loading.
1. In an S-R Zone, off-street parking and loading shall be required in accordance with the provisions of the affected City.

## **ARTICLE 62 - GENERAL COMMERCIAL ZONE**

### **62.010 - PURPOSE**

The G-C Zone is intended to provide for the establishment of commercial facilities to serve urban areas.

### **62.020 - PERMITTED USES**

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type II Review Procedure under Article 22 if the building is not existing, and shall meet the standards set out in Section 62.040 when applicable:

- A. Retail, wholesale or service business establishments except a use involving open outdoor storage.
- B. Agricultural or horticultural use except a commercial livestock feedlot, stock yard, sales yard, slaughter house and/or fat rendering plant.
- C. Personal service business or professional office.
- D. Public or private park, play ground or similar recreational use.
- E. Church, school or community building, fraternal or social.
- F. Eating or drinking establishment, including drive-ins or those serving alcoholic beverages.
- G. Tourist or traveler accommodations, including motel, hotel, convention center and overnight campground.
- H. Hospital, nursing home, retirement home, medical or dental clinic.
- I. Commercial amusement establishment, including theater, golf course, driving range, amusement park and similar recreation facilities.
- J. Automotive sales and service, boat, trailer or mobile home sales and service, including automotive service station or truck stop.

- K. Heavy equipment, industrial or farm sales and service, and other commercial activities directly serving agriculture and forest products.
- L. Public or semi-public uses, and public utility facility.
- M. Mortuary or funeral home, including cemetery.
- N. One residence, including mobile home, for caretaker or security on property with an approved commercial or industrial use, or for the owner of said commercial or industrial use.
- O. Contractor's or building material business, and other construction related businesses including plumbing, electrical, roofing, siding etc., provided material is wholly enclosed within a building or outside storage is enclosed by a sight-obscuring fence, wall, or landscaping.
- P. Welding, sheet metal or machine shop provided material is wholly enclosed within a building or outside storage is enclosed by a sight-obscuring fence, wall, or landscaping.
- Q. Veterinary clinic or kennel.
- R. Government buildings, including offices, armories, maintenance, repair or storage facilities provided material is wholly enclosed within a building or outside storage is enclosed by a sight-obscuring fence, wall, or landscaping.
- S. Resumption of a residential use including a mobile home as the use had previously been conducted, where such residential use has been discontinued for no more than one year.

#### **62.025 - CONDITIONAL USES**

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Planning Commission Review, and shall meet the standards set out in Section 62.040 when applicable:

- A. Multi-family dwelling complexes.
- B. Any use permitted by Article 62.020 above where any of the following is proposed or can reasonably be expected to occur:

1. Open outdoor storage, excepting open storage-display of automobiles, equipment, boats, trailers, mobile homes and similar sales display.
  2. Occupancy of more than 70% of the land area designed or designated for said use.
  3. Generation of any odor, fumes, glare, flashing lights or noise which is perceptible without instruments from an existing residence or lot within a residential zone located within 500 feet of the subject use.
  4. Any use which by normal operations is known or is expected to create a nuisance because of odor, noise, dust, smoke, gas or other environmental factor.
- C. Automobile wrecking yard or auto body shop.

#### **62.030 - TEMPORARY USES**

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall meet the standards set out in Section 62.040 when applicable:

- A. Temporary roadside stand.

#### **62.035 - USE LIMITATIONS**

- A. All parking demand created by any use permitted under the G-C Zone shall be accommodated on the subject premises entirely off-street, except as otherwise approved by the Planning Commission.
- B. No use permitted under the G-C Zone shall require the backing of traffic onto a public street, road or alley right-of-way to accommodate ingress and egress, except as otherwise approved by the Planning Commission.
- C. No use shall be permitted which has been declared a nuisance by statute or by action of the County, the affected City or a Court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Commission prior to review by the applicable permit reviewing authority.

## **62.040 - PROPERTY DEVELOPMENT STANDARDS**

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

A. Minimum Lot Area.

Minimum lot area requirements shall be determined in accordance with the provisions of this Code, including setbacks, off-street parking and loading areas and lot coverage limits. Lot area requirements may also be determined by the Planning Commission in order to maintain air, water and land resource quality, and to prevent uses exceeding resource carrying capacities.

B. Lot Size and Shape - See Article 71.

C. Building & Accessory Heights, Setbacks, Yards - See also Article 72.

1. Front Yard. Minimum 20 feet.

2. Side Yard. Minimum 10 feet.

3. Rear Yard. Minimum 10 feet.

4. Building Height. Maximum 45 feet when measured from the average grade of the lot, except that a 35 foot height limit shall apply to a lot adjacent to or across the street from a residential zone or duly platted residential subdivision.

D. Stream Setbacks - See Article 72

E. Fences, Wall, and Screens - See Article 73

F. Signs - See Article 74. In addition to the standards of this code, applicable state and municipal sign regulations apply.

G. Parking and Access - See Article 75

## **ARTICLE 62.1 - GENERAL INDUSTRIAL ZONE**

### **62.110 - PURPOSE**

The G-I Zone is intended to provide for the establishment of industrial facilities to serve urban areas.

### **62.120 - PERMITTED USES**

The following uses and their accessory uses shall be permitted as a Type I Review Procedure if moving into an existing building and as a Type II Review Procedure under Article 22 if the building is not existing, and shall meet the standards set out in Section 62.150 when applicable:

- A. Retail, wholesale or service business establishments except a use set forth in Article 62.130, and subject to the limitations set forth in Article 62.145.
- B. One residence, including mobile home, for caretaker or security on property with an approved commercial or industrial use, or for the owner of said commercial or industrial use.
- C. Freight Depot.
- D. Contractor's or building material business, and other construction related businesses including plumbing, electrical, roofing, siding etc., provided material is wholly enclosed within a building. No outside storage is permitted when adjacent to a lot in a residential zone or visible within 100 feet of an arterial or collector street unless enclosed by a sight-obscuring fence, wall, or landscaping.
- E. Ice or cold storage plant.
- F. Wholesale distribution outlet, including warehousing, but excluding outdoor storage.
- G. Welding, sheet metal or machine shop provided material is wholly enclosed within a building. No outside storage is permitted when adjacent to a lot in a residential zone or visible within 100 feet of an arterial or collector street unless enclosed by a sight-obscuring fence, wall, or landscaping.
- H. Veterinary clinic or kennel.
- I. Laboratory for experimentation, research or testing.

- J. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding all processes involving the refining or rendering of fats and oils.
- K. Government buildings, including offices, armories, maintenance, repair or storage facilities provided material is wholly enclosed within a building. No outside storage is permitted when adjacent to a lot in a residential zone or visible within 100 feet of an arterial or collector street unless enclosed by a sight-obscuring fence, wall, or landscaping.
- L. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electrical supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outdoor storage is involved.
- M. Lumber and other wood products facilities except as limited by Article 62.130 below.
- N. Processing, packaging and storage of foods and beverages excluding those involving distillation, fermentation, the rendering of fats and oils, and slaughtering of animals.
- O. Repair, rental, sales, servicing and storage of machinery, implements, equipment, trailers or mobile homes, and the manufacture thereof.
- P. Public or semi-public uses.
- Q. Concrete or ready-mix plants.
- R. Automobile and other automotive wrecking yard in compliance with screening and statutory requirements set forth in Article 78.
- S. Agriculture and related product storage and processing plants, including a gasohol plant.

### **62.130 - CONDITIONAL USES**

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type II Review Procedure under Section 22.040 or under Article 24 as specified, and shall be subject to the standards set out in Section 62.150 when applicable:

- A. Any use permitted when authorized by Article 62.120 above when located adjacent to or across the street from a lot within a duly platted residential subdivision or residential zone.
- B. Resumption of a residential use including a mobile home as the use had previously been conducted, where such residential use has been discontinued for no more than six months.
- C. Commercial feed lot, stock yard, sales yard, slaughter house and fat rendering plant.
- D. Petroleum, synthetic or other fuel producing facilities, including by-products thereof.
- E. Any use permitted by Article 62.120 above where any of the following is proposed or can reasonably be expected to occur:
  - 1. Occupancy of more than 70% of the land area designed or designated for said use.
  - 2. Generation of any odor, fumes, glare, flashing lights or noise which is perceptible without instruments from an existing residence or lot within a residential zone located within 200 feet of the subject use.
- F. Any other industrial use not declared a nuisance by statute or by action of the County, affected City or a Court of competent jurisdiction provided such use is not expected to create a nuisance because of odor, noise, dust, smoke, gas, traffic or other factors and is found to be in compliance with applicable nuisance and pollution regulations.
- G. Manufacture, repair or storage of articles, provided such uses do not create a nuisance because of odor, noise, dust, smoke, gas, traffic or other factors.

#### **62.140 - TEMPORARY USES**

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall meet the standards set out in Section 62.150 when applicable:

- A. Mass gathering;
- B. Temporary roadside stand.



**SECTION 62.145 - USE LIMITATIONS**

- A. All parking demand created by any use permitted under the G-I Zone shall be accommodated on the subject premises entirely off-street, except as otherwise approved by the Planning Commission.
- B. No use permitted under the G-I Zone shall require the backing of traffic onto a public street, road or alley right-of-way to accommodate ingress and egress, except as otherwise approved by the Planning Commission.
- C. No use shall be permitted which has been declared a nuisance by statute or by action of the County, the affected City or a Court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Commission prior to review by the applicable permit reviewing authority nor shall such uses be permitted adjacent to or across the street from a residential use or lot.

**62.150 - PROPERTY DEVELOPMENT STANDARDS**

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

- A. Minimum Lot Area.
  - 1. Minimum lot area requirements shall be determined in accordance with the provisions of this Code, including setbacks, off-street parking and loading areas and lot coverage limits. Lot area requirements may also be determined by the Planning Commission in order to maintain air, water and land resource quality, and to prevent uses exceeding resource carrying capacities.
- B. Lot Size and Shape - See Article 71
- C. Building & Accessory Heights, Setbacks, Yards - See also Article 72.
  - 1. Front Yard. Minimum 50 feet.
  - 2. Side Yard. Minimum 3 feet.
  - 3. Rear Yard. Minimum 3 feet.

4. Yard Increases. The minimum setback between a structure and a property line abutting a residential zone or use in a duly platted residential subdivision shall be 50 feet.
  
- D. Stream Setbacks - See Article 72
  
- E. Fences, Wall, and Screens - See Article 73
  
- F. Signs - See Article 74
  
- G. Parking and Access - See Article 75

**ARTICLE 63 - Reserved for future expansion**

## **ARTICLE 64 – EXCLUSIVE FARM USE ZONE & MULTIPLE USE RANGE ZONE**

### **64.010 – PURPOSE**

The purpose of the Exclusive Farm Use (EFU-80(160)) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The Multiple Use Range Zone (MUR-160(320)) is applied to those agricultural and agricultural/low or nonproductive forest lands of the County dominated by and managed primarily for range and grazing uses. Both the EFU-80(160) and MUR-160(320) zones are also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU-80(160) and MUR-160(320) zones to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The provisions of the EFU-80(160) and MUR-160(320) zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations. The EFU-80(160) and MUR-160(320) zones are intended to guarantee the right to conduct normal farm practices and facilitate and encourage resource management activity. Normal resource management practices shall not be considered a nuisance in these or bordering zones.

Residents in the EFU-80(160) and MUR-160(320) zones should recognize that the intent of these zones is to protect resource activities and that in the event of conflict between residential use and resource practices, this Code will be interpreted in favor of the resource practice.

### **64.020 – OUTRIGHT USES**

In the EFU and MUR zones, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

- A. Farm use;
- B. Propagation or harvesting of a forest product;
- C. Creation of, restoration of, or enhancement of wetlands.

**64.030 – PERMITTED USES**

The following uses and their accessory uses shall be permitted using a Type I Review Procedure as specified in Section 22.030, and to the standards set out in Section 65.095 when applicable.

- A. Agricultural buildings customarily provided in conjunction with farm use;
- B. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead;
- C. Operations for the exploration for minerals as defined by ORS 517.750;
- D. Climbing and passing lanes within the right of way existing as of July 1, 1987;
- E. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
- F. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- G. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- H. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505;
- I. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306;
- J. Firearms training facility in existence on September 9, 1995;
- K. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735;

- L. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
1. A public right of way;
  2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  3. The property to be served by the utility.
- M. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places.
- N. Alteration, restoration, or replacement of a lawfully established dwelling subject to the following:
1. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:
    - a. The dwelling to be altered, restored or replaced has, or formerly had:
      - (1) Intact exterior walls and roof structure;
      - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
      - (3) Interior wiring for interior lights;
      - (4) A heating system; and
      - (5) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.
    - b. Notwithstanding Subsection 64.030(N)(1)(a)(5), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:

- (1) The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
  - (2) The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. “Improperly removed” means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
2. For replacement of a lawfully established dwelling under this Section:
- a. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
    - (1) Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
    - (2) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
    - (3) If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
  - b. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted;

- c. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
3. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
- a. The siting standards of Subsection 64.030(N)(3)(b) apply when a dwelling qualifies for replacement because the dwelling:
    - (1) Formerly had the features described in Subsection 64.030(N)(1)(a);
    - (2) Was removed from the tax roll as described in Subsection 64.030(N)(1)(b); or
    - (3) Had a permit that expired as described under Subsection 64.030(N)(4).
  - b. The replacement dwelling must be sited on the same lot or parcel:
    - (1) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
    - (2) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
  - c. Replacement dwellings that currently have the features described in Subsection 64.030(N)(1)(a) and that have been on the tax roll as described in Subsection 64.030(N)(1)(b) may be sited on any part of the same lot or parcel.
4. A replacement dwelling permit that is issued under this Section:



- a. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
  - (1) Formerly had the features described in Subsection 64.030(N)(1)(a);  
or
  - (2) Was removed from the tax roll as described in Subsection 64.030(N)(1)(b);
- b. Is not subject to the time to act limits of ORS 215.417; and
- c. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
  - (1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
  - (2) Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

O. Signs

- P. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings, and docks for personal use or other similar buildings located:
- 1. On the same lot or parcel as the principal farm dwelling; or
  - 2. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory building will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract.

**64.040 – ADMINISTRATIVE PERMIT USES**

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure under Section 22.040 subject to the criteria set out in Section 64.060, and shall meet the standards set out in Section 64.095 when applicable:

- A. A facility for the primary processing of forest products. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses defined in Article 11. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located;
- B. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species;
- C. A facility for the processing of farm crops, biofuel or poultry, except the use is not subject to 64.060. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located;
- D. Dog training classes or testing trials that are conducted outdoors, or in farm buildings that existed on January 1, 2013, and are limited as follows:
  - 1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
  - 2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

- E. Agri-tourism and other commercial events or activities subject to ORS 215.283 (4) through (6);
- F. Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of sewage prior to the land application of biosolids, except the use is not subject to 64.060. Land Application of Reclaimed or Process Water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU or MUR zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251;
- G. Utility facilities necessary for public service, including associated transmission lines and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, except the use is not subject to 64.060;
  - 1. A utility facility is necessary for public service if the facility must be sited in the EFU or MUR zone in order to provide the service.
    - a. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an EFU or MUR zone due to one or more of the following factors:
      - (1) Technical and engineering feasibility;
      - (2) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for EFU or MUR uses in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
      - (3) Lack of available urban and nonresource lands;
      - (4) Availability of existing rights of way;
      - (5) Public health and safety; and
      - (6) Other requirements of state and federal agencies.

- b. Costs associated with any of the factors listed in Subsection 64.040(G)(1)(a) may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar;
- c. The owner of a utility facility approved under Subsection 64.040(G)(1) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- d. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands;
- e. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU or MUR Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section 65.060. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request, processed as a Type I Review under Section 22.030. A minor amendment request shall have no effect on the original approval;
- f. In addition to the provisions of Subsections 64.040(G)(1)(a) through (d), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060;
- g. The provisions of Subsection 64.040(G)(1) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

2. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection 64.040(G)(2)(a) or (b) of this Subsection.
  - a. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
    - (1) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
    - (2) The associated transmission line is co-located with an existing transmission line;
    - (3) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
    - (4) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
  - b. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections 64.040(G)(2)(c) and (d), two or more of the following criteria:
    - (1) Technical and engineering feasibility;
    - (2) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
    - (3) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
    - (4) Public health and safety; or
    - (5) Other requirements of state or federal agencies.

- c. As pertains to Subsection 64.040(G)(2)(b), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
  - d. The county may consider costs associated with any of the factors listed in Subsection 64.040(G)(2)(b), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- H. A site for the takeoff and landing of model aircraft, except the use is not subject to 64.060. The use shall be subject to the following:
  - 1. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section;
  - 2. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved;
  - 3. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property; and
  - 4. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.
  - 5. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- I. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763, except the use is not subject to 64.060.
- J. Residential home as defined in ORS 197.660, in existing dwellings.
- K. Parking of up to seven log trucks;
- L. Home occupations subject to the provisions of Article 92;

- M. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection 64.040(D);
- N. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use;
- O. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- P. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- Q. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels;
- R. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065;
- S. Transmission towers over 200 feet in height;
- T. Fire service facilities providing rural fire protection services, except the use is not subject to 64.060;
- U. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.
- V. A winery subject to ORS 215.452 through 456, except the use is not subject to 64.060;
- W. A cider business subject to ORS 215.451, except the use is not subject to 64.060;
- X. Farm stands, except the use is not subject to 64.060. A farm stand may be approved if:
  - 1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
3. As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
4. As used in this Section, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
5. As used in this Section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.
6. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
7. Farm Stand Development Standards
  - a. Adequate off-street parking will be provided pursuant to provisions of the Article 75 – Off-street Parking;
  - b. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips;
  - c. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways;
  - d. No farm stand building or parking is permitted within the right-of-way;
  - e. Approval is required from the County *Road* Department regarding adequate egress and access. All egress and access points shall be clearly marked.
  - f. Vision clearance areas consistent with Section 73.020; and
  - g. Signs are permitted consistent with Article 74 – Signs.



8. Permit approval is subject to compliance with the County Health Department, Department of Environmental Quality, or Department of Agriculture requirements and with the development standards of this zone.

#### **64.050 – CONDITIONAL USES**

The following uses and accessory uses are permitted as a Conditional Use subject to issuance of a Conditional Use Permit as per Article 46 subject to criteria set out in Section 64.060, processed as a Type II Review Procedure under Section 22.040 unless otherwise specified, and shall meet standards set out in Section 64.095 when applicable:

- A. Destination resort subject to Article 96 and reviewed by the Planning Commission, except the use is not subject to 64.060(A) through (C);
- B. Churches, and cemeteries in conjunction with churches, except the use is not subject to 64.060(A) through (C);
- C. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection 64.040(C), but excluding activities in conjunction with a marijuana crop, and subject to the following:
  1. The commercial activity is either exclusively or primarily a customer or supplier of farm products;
  2. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or
  3. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.
- D. Guest ranch subject to the following provisions:
  1. Definitions

- a. “Guest lodging unit” means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence.
  - b. “Guest ranch” means a facility for guest lodging units, passive recreational activities described in Subsection 64.050(G)(6) and food services described in Subsection 64.050(G)(7) that are incidental and accessory to an existing and continuing livestock operation that qualifies as a farm use.
  - c. “Livestock” means cattle, sheep, horses and bison.
2. A guest ranch may be established unless the proposed site of the guest ranch is within the boundaries of or surrounded by:
    - a. A federally designated wilderness area or a wilderness study area;
    - b. A federally designated wildlife refuge;
    - c. A federally designated area of critical environmental concern; or
    - d. An area established by an Act of Congress for the protection of scenic or ecological resources.
  3. The guest ranch must be located on a lawfully established unit of land that:
    - a. Is at least 160 acres;
    - b. Contains the dwelling of the individual conducting the livestock operation; and
    - c. Is not high-value farmland.
  4. Except as provided in Subsection 64.050(G)(5), the guest lodging units of the guest ranch cumulatively must:
    - a. Include not fewer than four nor more than 10 overnight guest lodging units; and
    - b. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of a lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.

5. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described in Subsection 64.050(G)(3), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area;
6. A guest ranch may provide passive recreational activities that can be provided in conjunction with the livestock operation's natural setting including, but not limited to, hunting, fishing, hiking, biking, horseback riding, camping and swimming. A guest ranch may not provide intensively developed recreational facilities, including golf courses as identified in ORS 215.283;
7. A guest ranch may provide food services only for guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch;
8. The governing body of a county or its designee may not allow a guest ranch in conjunction with:
  - a. A campground
  - b. A golf course
9. The governing body of a county or its designee may not approve a proposed division of land:
  - a. for a guest ranch; or
  - b. to separate the guest ranch from the dwelling of the individual conducting the livestock operation.
- E. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted and subject to Article 91;
- F. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298, Article 91, and the following:

1. A land use permit is required for mining more than one thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre; and
  2. A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Comprehensive Plan.
- G. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement, subject to Article 91;
- H. Processing of other mineral resources and other subsurface resources, subject to Article 91;
- I. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation;
- J. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to the following:
1. Permanent features of a power generation facility shall not preclude more than:
    - a. 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
    - b. 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
  2. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

- K. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to OAR 660-033-0130(37);
- L. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to OAR 660-033-0130(38);
- M. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation, subject to the requirements of Section 64.060 and the following:
  - 1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan;
  - 2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone;
  - 3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided;
  - 4. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
    - a. The area surrounding the facility is kept free from litter and debris;
    - b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand; and
    - c. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire-retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
  - 5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
  - 6. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the County Roadmaster;

7. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality;
  8. Hours of operation for the facility shall be limited to 8 am – 7 pm; and
  9. Comply with other conditions deemed necessary.
- N. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
1. Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:
    - a. Meets the requirements of OAR 340-096-0150;
    - b. Identifies the distance of the proposed operation to the nearest residential zone;
    - c. Includes a complaint response protocol;
    - d. Is submitted to the DEQ with the required permit application; and
    - e. May be subject to annual review by the county to determine if any revisions are necessary.
  2. Compost operations subject to Section 64.050(Q)(1) include:
    - a. A new disposal site for composting that sells, or offers for sale, resulting product; or
    - b. An existing disposal site for composting that sells, or offers for sale, resulting product that:
      - c. Accepts as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or

- d. Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- O. Living history museum as defined in Article 11. A living history museum shall be related to resource-based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an EFU or MUR zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.
- P. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- Q. Public parks and playgrounds. Public parks may include:
- 1. All outdoor recreation uses allowed under ORS 215.213 or 215.283.
  - 2. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
    - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
    - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
    - c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

- d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
  - e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
  - f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
  - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
  - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
  - i. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
    - (1) Meeting halls not exceeding 2000 square feet of floor area;
    - (2) Dining halls (not restaurants).
- R. Operations for the extraction and bottling of water;



- S. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009 may be expanded if Sections 64.060(A) and (C) are met and the expansion occurs on a tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
  
- T. Equine and equine-affiliated therapeutic and counseling activities, provided:
  - 1. The activities are conducted in existing buildings or new buildings that are accessory, incidental and subordinate to the farm use on the tract; and
  - 2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.
  
- U. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to following:
  - 1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
  - 2. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection 64.050(W)(3);
  - 3. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
  
- V. Golf courses as defined in Article 11 and subject to the following:

1. Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
  - a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
  - b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
  - c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
2. This use is not permitted on high-value farmland except that existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 64.050(X)(1) and Section 64.060.

#### **64.055 – TEMPORARY USES**

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to the standards set out in Section 64.095 when applicable:

- A. Temporary hardship dwelling subject to 64.060 and the following:
  - 1. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
    - a. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
    - b. The county shall review the permit authorizing such manufactured homes every two years; and
    - c. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
  - 2. A temporary residence approved under this Section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply;
  - 3. As used in this Section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons;

**64.060 – REVIEW CRITERIA**

Applications for an Administrative Permit or a Conditional Use Permit in an EFU or MUR Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030 as applicable:

- A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:

1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
  2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
  3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
  4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
  5. The use is or can be made compatible with existing uses and other allowable uses in the area.
- D. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 for the following uses:
1. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as provided in 64.030(M).
  2. Alteration, restoration, or replacement of a lawfully established dwelling as provided in 64.030(N).
  3. Residential home as provide in 64.040(J).
  4. Temporary hardship dwelling as provided in 64.055(A).
  5. Dwelling customarily provided in conjunction with a farm use as provided in 64.070(A).
  6. A relative farm help dwelling as provided in 64.070(B).
  7. Accessory farm dwellings for year-round seasonal farm workers as provided in 64.070(C).

8. A single-family dwelling on a lawfully created lot or parcel as provided in 64.070(D).
  9. Single-family residential dwelling, not provided in conjunction with a farm use, as provided in 64.070(E).
- E. Urban growth boundary setback provisions.
1. The following uses are subject to the urban growth boundary setback provisions:
    - a. Churches and cemeteries in conjunction with churches as provided in Section 64.050(B).
    - b. Living history museum as provided in Section 64.050(O).
    - c. Community centers owned by a governmental agency or nonprofit organization as provided in Section 64.050(P).
    - d. Public parks and playgrounds as provided in Section 64.050(Q).
    - e. Public or private schools for kindergarten through grade 12 as provided in Section 64.050(S).
    - f. Private parks, playgrounds, hunting and fishing preserves, and campgrounds as provided in Section 64.050(U).
    - g. Golf course as provided in Section 64.050(V).
  2. Urban growth boundary setback standards:
    - a. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34;

- b. Any enclosed structures or group of enclosed structures described in Subsection 64.060(E)(2)(a) within a tract must be separated by at least one-half mile. For purposes of this Subsection, “tract” means a tract that is in existence as of June 17, 2010;
  - c. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.
- F. The following uses are not permitted on high-value farmland except that existing uses on high-value farmland may be maintained, enhanced or expanded on the same tract, subject to other requirements of law;
- 1. Destination resort as provided in Section 64.050(A);
  - 2. Churches and cemeteries in conjunction with churches as provided in Section 64.050(B);
  - 3. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality as provided in Section 64.050(M);
  - 4. Composting facilities for which a permit has been granted by the Department of Environmental Quality as provided in Section 64.050(N);
  - 5. Public or private schools for kindergarten through grade 12 as provided in Section 64.050(S); and
  - 6. Private parks, playgrounds, hunting and fishing preserves, and campgrounds as provided in Section 64.050(U).

#### **64.070 – DWELLINGS**

Single family or manufactured dwellings may be allowed using a Type II Review Procedure as set out in Section 22.040. Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a farm dwelling. Dwellings shall meet the standards set out in Sections 64.060(D) and 64.095 when applicable and may be allowed as follows:

- A. Dwellings customarily provided in conjunction with farm use subject to the following:
1. Large Tract Standards. On land not identified as high-value farmland as defined in Article 11, a dwelling may be considered customarily provided in conjunction with farm use if:
    - a. In the EFU Zone only, the parcel on which the dwelling will be located is at least 160 acres.
    - b. In the MUR Zone only, the parcel on which the dwelling will be located is at least 320 acres.
    - c. The subject tract is currently employed for farm use.
    - d. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
    - e. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
  2. Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
    - a. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:
      - (1) At least \$40,000 in gross annual income from the sale of farm products; or
      - (2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
    - b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;

- c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 64.070(A)(2)(a); and
  - d. In determining the gross income required by Subsection 64.070(A)(2)(a):
    - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
    - (2) Only gross income from land owned, not leased or rented, shall be counted; and
    - (3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
3. Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
  - b. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
  - c. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 64.070(A)(3)(a);
  - d. In determining the gross income required by Subsection 64.070(A)(3)(a):
    - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
    - (2) Only gross income from land owned, not leased or rented, shall be counted; and
    - (3) Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
4. Additional Farm Income Standards:



- a. For the purpose of Subsections 64.070(A)(2) or (3), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
  - b. Prior to the final approval for a dwelling authorized by Subsections 64.070(A)(2) or (3) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
    - (1) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
    - (2) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
  - c. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
5. Commercial Dairy Farm. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections 64.070(A)(2) or (3), subject to OAR 660-033-0135(7) and (8).
  6. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
    - a. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection 64.070(A)(2) or (3), whichever is applicable;

- b. The subject lot or parcel on which the dwelling will be located is:
    - (1) Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection 64.070(A)(2) or (3), whichever is applicable; and
    - (2) At least the size of the applicable minimum lot size under Section 64.090;
  - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
  - d. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 64.070(A)(6)(a); and
  - e. In determining the gross income required by Subsection 64.070(A)(6)(a) and (b):
    - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
    - (2) Only gross income from land owned, not leased or rented, shall be counted.
- B. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to the following:
- 1. A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm;
  - 2. A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use;
- C. Accessory farm dwellings for year-round and seasonal farm workers subject to the following requirements:

1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
2. The accessory farm dwelling will be located:
  - a. On the same lot or parcel as the primary farm dwelling;
  - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
  - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;
  - d. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. “Farmworker housing” shall have the meaning set forth in 215.278 and not the meaning in 315.163; or
  - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and
3. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working

on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

4. In addition to the requirements in Subsection 64.070(C)(1), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
  - a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
    - (1) At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
    - (2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
  - b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
  - c. It is located on a commercial dairy farm as defined in OAR 660-033-0135(8); and
    - (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;

- (2) The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
  - (3) A Producer License for the sale of dairy products under ORS 621.072.
- d. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Subsection 65.090(A).
  - e. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 64.070(E).
  - f. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.
  - g. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.
- D. One single-family dwelling on a lawfully created lot or parcel subject to the following:
- 1. A lot of record dwelling may be approved on a pre-existing lot or parcel if:
    - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection 64.070(D)(5):
      - (1) Since prior to January 1, 1985; or
      - (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
    - b. The tract on which the dwelling will be sited does not include a dwelling;

- c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
  - d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
  - e. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections 64.070(D)(3) and (4); and
  - f. When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
  3. Notwithstanding the requirements of Subsection 64.070(D)(1)(e), a single-family dwelling may be sited on high-value farmland if:
    - a. It meets the other requirements of Subsections 64.070(D)(1) and (2);
    - b. The lot or parcel is protected as high-value farmland as defined in Section 11.030.177(A) and (B);
    - c. The county hearings officer *or planning director* determines that:
      - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.

1. For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.
2. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.
3. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
  - (2) The dwelling will comply with the provisions of Section 64.060(A) through (C); and
  - (3) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Subsection 64.070(E)(3).
4. Notwithstanding the requirements of Subsection 64.070(D)(1)(e), a single-family dwelling may be sited on high-value farmland if:
  - a. It meets the other requirements of Subsections 64.070(D)(1) and (2);
  - b. The tract on which the dwelling will be sited is:
    - (1) Not high-value farmland defined in Subsection Section 11.030.177(A) and (B); and
    - (2) Twenty-one acres or less in size; and
  - c. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

- d. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
  - e. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
    - (1) “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
    - (2) “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
- 5. For purposes of Subsection 64.070(D)(1), “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;
  - 6. The county assessor shall be notified that the governing body intends to allow the dwelling.
  - 7. An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.



8. The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.
- E. Single-family residential dwelling not provided in conjunction with farm use subject to the following requirements.
1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
  2. Non-farm dwelling suitability standards:
    - a. The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
    - b. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable." A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

- c. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in Sections 64.070(E)(3)(a) through (c);
  - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

- b. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsection 64.070(D) and (E), including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4), ORS 215.263(5), and ORS 215.284(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and
  - c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
4. If a single-family dwelling is established on a lot or parcel as set forth in Subsection 64.070(D), no additional dwelling may later be sited under the provisions of this Section.
  5. The dwelling is sited to satisfy the siting standards listed in Section 64.080;

#### **64.080 – SITING STANDARDS**

The placement of dwellings shall be on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules. The following will be required:

##### **A. Drawing requirements:**

1. A site map of the property which shows the township, range, section and tax lot numbers held in ownership by the property owner;

2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements;
3. The proposed location of new dwellings to be placed on the site.

B. Siting requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; and
2. The placement of dwellings shall be on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract;
  - a. 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
3. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel; and
4. The dwelling will not materially alter the stability of the overall land use pattern of the area; and
5. If the dwelling is established under Sections 64.070(B) or (C), then additional dwellings may not be approved or sited.

**64.090 – PARCEL STANDARDS**

A. Minimum Parcel Size:

1. The minimum size for creation of a new parcel in the EFU Zone shall be 80 acres;
2. The minimum size for creation of a new parcel in the MUR Zone shall be 160 acres.

- B. A division of land to accommodate a use authorized under ORS 215.283(2), except a residential use, smaller than the minimum parcel size provided in Section 64.090(A) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
  
- C. A division of land to create up to two new parcels smaller than the minimum size established under Section 64.090(A), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
  - 1. The nonfarm dwellings have been approved under Subsection 64.070(E);
  - 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Section 64.090(A); and
  - 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Section 64.090(A).
  
- D. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
  - 1. The nonfarm dwellings have been approved under Subsection 64.070(E);
  - 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A, but equal to or larger than 40 acres;
  - 4. The parcels for the nonfarm dwellings are:
    - a. Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

- b. Either composed of at least 90 percent Class VII and VIII soils or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and
- 5. The parcels for the nonfarm dwellings do not have established water rights for irrigation.
- E. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
- F. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- G. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in Subsection 64.070(B), 64.055(A), or 64.040(L) from the lot or parcel on which the primary residential use exists.
- H. This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section 64.040(C).
- I. A division of land may be permitted to create a parcel with an existing dwelling to be used:
  - 1. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Subsection 64.070(E); and
  - 2. For historic property that meets the requirements of Subsection 64.030(M).
- J. Notwithstanding the minimum lot or parcel size described in Section 64.090(A),

1. A division of land may be approved provided:
    - a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
    - b. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
    - c. The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
  2. A parcel created pursuant to this Subsection that does not contain a dwelling:
    - a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - b. May not be considered in approving or denying an application for siting any other dwelling;
    - c. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
    - d. May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- K. A division of land smaller than the minimum lot or parcel size in Section 64.090(A) may be approved provided:

1. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
  2. The church has been approved under Subsection 64.050(E);
  3. The newly created lot or parcel is not larger than five acres; and
  4. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Section 64.090(A) either by itself or after it is consolidated with another lot or parcel.
- L. Notwithstanding the minimum lot or parcel size described Section 64.090(A), a division for the nonfarm uses set out in Subsection 64.040(T) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- M. The governing body of a county may not approve a division of land for nonfarm use under Section 64.090(B), (C), (D), (I), (J), (K), or (L) unless any additional tax imposed for the change in use has been paid.
- N. A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or biosolids as described under 64.040(F)
- O. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- P. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:
1. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use;
  2. If the parcel does not contain a dwelling, it:
    - a. Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;



- b. May not be considered in approving or denying an application for any other dwelling; and
- c. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.
- d. The landowner signs and records in the deed records for the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

#### **64.095 – PROPERTY DEVELOPMENT STANDARDS**

The following standards will apply, as appropriate, to all development and land divisions within this Zone

- A. Lot Size and Shape - See Article 71
- B. Building & Accessory Heights, Setbacks, Yards - See Article 72
- C. Stream Setbacks - See Article 72
- D. Fences, Wall, and Screens - See Article 73
- E. Signs - See Article 74
- F. Parking - See Article 75
- G. Access - See Article 81
- H. Erosion and Sediment Control - See Article 83
- I. Utilities - See Article 85
- J. Solid Waste - See Article 86
- K. Aggregate Mining and Processing - See Article 91

- L. Home Occupations - See Article 92
- M. Archeological Resources - See Article 93
- N. Historic Resources - See Article 94
- O. Hydroelectric Facilities - See Article 95
- P. Destination Resort - See Article 96
- Q. Parks, Playgrounds, and Campgrounds - See Article 98
- R. Flood Hazard Combining Zone - See Article 69.1
- S. Big Game Combining Zone - See Article 69.2
- T. Wild & Scenic Rivers Combining Zone - See Article 69.3
- U. Airport Combining Zone - See Article 69.4
- V. Water Hazard Combining Zone - See Article 69.5
- W. Mineral & Aggregate Combining Zone - See Article 69.11

## **ARTICLE 65 - PRIMARY FOREST ZONE**

### **65.010 – PURPOSE**

The Primary Forest Zone, PF-80(240), is intended to implement the Goals and Policies of the Grant County Comprehensive Plan by conserving and protecting lands for forest uses. This Zone is designed to provide a classification for commercial forest lands in private ownerships and for public lands administered by forest management agencies, encourage the management of commercial forest lands as a stable timber base, and to conserve natural resources by reducing hazards. This Zone is consistent with Statewide Planning Goal #4 for conservation of forest lands.

The Primary Forest Zone is intended to facilitate the right to conduct forest practices consistent with the Forest Practices Act and to encourage and promote the development and conservation of natural resources. Normal forest management, mining, or agricultural practices shall not be considered a nuisance condition in a Primary Forest Zone or bordering Zones, provided that such actions are consistent with the standards of the Oregon Forest Practices Act and do not extend beyond the boundaries of the Primary Forest Zone. Nothing in this regulation is intended to interfere with normal forestry or agricultural practices that might result in conditions such as noise, dust or odor. Residents of this Zone must recognize that the intent of the Zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this Code will be interpreted in favor of the resource management practice.

### **65.020 – OUTRIGHT USES**

The following uses shall be allowed pursuant to the Oregon Forest Practices Act:

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
  - 1. As used in this section, auxiliary means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
  - 1. As used in this section, auxiliary means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;
- E. Farm use as defined in ORS 215.203.

#### **65.030 – PERMITTED USES**

The following uses and their accessory uses shall be permitted using a Type I Review Procedure under Section 22.030, and to the standards set out in Section 65.095 when applicable:

- A. Temporary portable facility for the primary processing of forest products;
- B. Temporary forest labor camps;
- C. Alteration, restoration or replacement of a lawfully established dwelling subject to Section 65.060(E) and the following:
  - 1. Alteration or restoration of a lawfully established dwelling that:
    - a. Has intact exterior walls and roof structures;
    - e. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - f. Has interior wiring for interior lights; and
    - g. Has a heating system.
  - 2. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

- D. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use;
- E. Uninhabitable structures accessory to fish and wildlife enhancement;
- F. Private hunting and fishing operations without any lodging accommodations;
- G. Caretaker residences for public parks and public fish hatcheries, subject to Section 65.060(E);
- H. Exploration for mineral and aggregate resources as defined in ORS chapter 517;
- I. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;
- J. Towers and fire stations for forest fire protection;
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- L. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups;
- M. Climbing and passing lanes within the right of way existing as of July 1, 1987;
- N. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
- O. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- P. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- Q. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours, but less than 120 hours in any three-month period, as provided in ORS 433.735;

- R. Youth camps subject to OAR 660-006-0031;

**65.040 – ADMINISTRATIVE PERMIT USES**

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure under Section 22.040 subject to the criteria set out in Section 65.060, and shall meet the standards set out in Section 65.095 when applicable:

- A. Home occupations subject to the requirements of Article 92;
- B. Fire stations for rural fire protection;
- C. Cemeteries;
- D. Aids to navigation and aviation;
- E. Television, microwave and radio communication facilities and transmission towers;
- F. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width;
- G. Commercial utility facilities for the purpose of generating power, where the use does not preclude more than 10 acres from use as a commercial forest operation;
- H. Reservoirs and water impoundments;
- I. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- J. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- K. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- L. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- M. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations;

- N. Parking of up to seven dump trucks and seven trailers;
- O. Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three-month period and is subject to review by a county planning commission under ORS 433.763, except the use is not subject to 65.060;

### **65.050 – CONDITIONAL USES**

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46 subject to the criteria set out in Section 65.060, processed as a Type II Review Procedure under Section 22.040, and shall meet the standards set out in Section 65.095 when applicable:

- A. Permanent facility for the primary processing of forest products where the facility is:
  - 1. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or
  - 2. Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or
  - 3. Located in a combination of indoor and outdoor areas described in Subsections (1) and (2); and
  - 4. Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.
- B. Permanent logging equipment repair and storage;
- C. Log scaling and weigh stations;
- D. Private seasonal accommodations for fee hunting operations subject to Section 65.080 and the following requirements:
  - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - 2. Only minor incidental and accessory retail sales are permitted;

3. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Meet the siting and fire safety requirements of Article 76.
- E. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Section 65.080 and the following requirements:
1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted;
  3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
  5. Meet the siting and fire safety requirements of Article 76.
- F. Firearms training facility as provided in ORS 197.770(2);
- G. Public parks limited to:
1. All uses allowed under Statewide Planning Goal 4;
  2. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
    - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
    - h. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
    - i. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;



- j. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
  - k. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
  - l. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
  - m. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
  - n. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
3. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- a. Meeting halls not exceeding 2000 square feet of floor area;
  - b. Dining halls (not restaurants).
- H. Private parks and campgrounds subject to the following:
- 1. Campgrounds in private parks may be permitted, subject to the following:

- a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4;
  - b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
  - c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;
  - d. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
2. Campsites within campgrounds meeting the requirement of Subsection 65.050(H)(1) and permitted pursuant to Section 65.060 must comply with the following:
- a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Subsection 65.050(H)(2)(c);
  - b. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts;
  - c. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- I. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 65.030(I) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

J. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 65.060 and shall comply with the following requirements:

1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided;
4. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
  - a. The area surrounding the facility is kept free from litter and debris;
  - b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand; and
  - c. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire-retardant substance and the applicant will be required to remove forest fuels within primary safety zone as specified in Section 76.030(L)(6).
5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
6. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by this Code and/or the County Road Master;

7. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality;
  8. Hours of operation for the facility shall be limited to 8 am – 7 pm;
  9. Comply with other conditions deemed necessary.
- K. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
- L. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065;
- M. Destination resort, subject to ORS 197.435 to 197-467, Goal 8, and Article 96 (Planning Commission Review).

#### **65.055 TEMPORARY USES**

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall meet the standards set out in Section 65.095 when applicable:

- A. Temporary hardship dwelling, permitted as a Temporary Use under Article 44, subject to Sections 65.060, 65.095, and the following:
1. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
    - a. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
    - b. The county shall review the permit authorizing such manufactured homes every two years; and

- c. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
2. A temporary residence approved under this section is not eligible for replacement under Subsection 65.030(C). Department of Environmental Quality review and removal requirements also apply.
3. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

### **65.060 – REVIEW CRITERIA**

Applications for an Administrative or Conditional Use Permit in the Primary Forest Zone shall be reviewed against the following criteria in addition to those enumerated in Sections 43.030 and 46.030:

- A. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- B. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- C. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized by subsections 65.040(A) home occupations, 65.040(H) reservoirs and water impoundments, 65.050(E) private accommodations for fishing, 65.050(H) private parks and campgrounds, and 65.055(A) hardship dwellings;
- D. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
  1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
  2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
  3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;

4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
  5. The use is or can be made compatible with existing uses and other allowable uses in the area.
- E. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 for the following uses:
1. Alteration, restoration, or replacement dwelling as provided in Section 65.030(C)
  2. Caretaker residence for public parks and public fish hatcheries as provided in Section 65.030(G)
  3. Temporary hardship dwelling as provided in Section 65.055(A);
  4. Large tract forest dwelling as provided in Section 65.070(A);
  5. Lot of record dwelling as provided in Section 65.070(B); and
  6. Single-family "template" dwelling as provided in Section 65.070(C).

### **65.070 – DWELLINGS**

A dwelling may be allowed utilizing a Type II Review Procedure under Section 22.040. A written statement as specified in Section 65.060(C) shall be required as a condition of siting the dwelling. Dwellings shall meet the siting standards in Section 65.080, the fire requirements of Article 76 and the standards set out in Section 65.060(E) and Section 65.095 when applicable:

- A. A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
1. The tract is at least 240 contiguous acres or 320 acres in one ownership that are not contiguous, but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to Subsection 65.070(A)(3) for all tracts that are used to meet the acreage requirements of this subsection;

2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway;
3. Where one or more lots or parcels are required to meet minimum acreage requirements:
  - a. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located;
  - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

B. Lot of record dwelling

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph Subsection 65.070(B)(4):
  - a. Since prior to January 1, 1985; or
  - b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
2. The tract on which the dwelling will be sited does not include a dwelling;
3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

5. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
  - a. A United States Bureau of Land Management road; or
  - b. A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
6. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and
7. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

C. Template dwelling

1. A single family “template” dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
  - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
    - (1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
    - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:



- (1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
  - (1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
  - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
2. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
3. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
4. Except as provided by paragraph Subsection 65.070(C)(5), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4-mile-wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
5. The following applies where a tract 60 acres or larger abuts a road or perennial stream.
  - a. The measurement shall be made in accordance with paragraph Subsection 65.070(C)(4). However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
    - (1) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

- (2) Be within one-quarter mile from the edge of the subject tract, but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
      - b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
  6. A proposed “template” dwelling under this ordinance is not allowed:
    - a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
    - b. Unless it complies with the requirements of Section 65.080 and Article 76;
    - c. If dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under Subsection 65.070(C)(7) for the other lots or parcels that make up the tract have not been met; or
    - d. If the tract on which the dwelling will be sited includes a dwelling.
  7. Where other lots or parcels that make up a tract in Subsection 65.070(C)(6):
    - a. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
    - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- D. The following definitions shall apply when reviewing a dwelling application under Sections 65.070(B) and (C):
1. **CUBIC FOOT PER ACRE.** The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

2. CUBIC FOOT PER TRACT YEAR. The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.
3. DATE OF CREATION AND EXISTENCE. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

### **65.080 SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES**

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Article 76 to identify the building site:

A. Drawing requirements:

1. A site map of the property which shows the township, range, section, and tax lot numbers held in ownership by the property owner;
2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements;
3. The proposed location of new dwelling to be placed on the site.

B. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands;
2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
4. The risks associated with wildfire are minimized.

- C. Siting criteria satisfying Subsection 65.080(B) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees;
- D. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
  - 1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - 2. A water use permit issued by the Water Resources Department for the use described in the application; or
  - 3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- E. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- F. Approval of a dwelling shall be subject to the following requirements:
  - 1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
  - 2. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
  - 3. Stocking survey report:

- a. If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
  - b. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
4. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

#### **65.090 – PARCEL STANDARDS**

In addition to the requirements of Chapter 5, the following standards shall apply:

- A. The minimum parcel size for new forest parcels is 80 (eighty) acres.
- B. New land divisions less than the parcel size in Subsection 65.090(A) may be approved for any of the following circumstances:
  1. For the uses listed in the following subsections provided that such uses have been approved pursuant to Section 65.060 and the parcel created from the division is the minimum size necessary for the use.
    - a. 65.030(H). Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;
    - b. 65.040(B). Fire stations for rural fire protection;
    - c. 65.040(C). Cemeteries;

- d. 65.040(D). Aids to navigation and aviation;
  - e. 65.040(E). Television, microwave and radio communication facilities and transmission towers;
  - f. 65.040(G). Commercial utility facilities for the purpose of generating power;
  - g. 65.040(H). Reservoirs and water impoundments;
  - h. 65.050(A). Permanent facility for the primary processing of forest products;
  - i. 65.050(B). Permanent logging equipment repair and storage;
  - j. 65.050(C). Log scaling and weigh stations;
  - k. 65.050(F). Firearms training facility as provided in ORS 197.770(2);
  - l. 65.050(G). Public parks; or
  - m. 65.050(H). Private parks and campgrounds.
  - n. 65.050(I). Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 65.030(I) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;
  - o. 65.050(J). Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;
  - p. 65.050(K). Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
  - q. 65.050(M). Destination resorts, subject to ORS 197.435 to 197.467 and Goal 8;
2. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

- a. The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and
  - b. The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
    - (1) Meets the minimum land division standards of the zone; or
    - (2) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
3. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection 65.090(A). Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection 65.090(A) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
- a. Are not eligible for siting of a new dwelling;
  - b. May not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - c. May not, as a result of the land division, be used to justify re-designation or rezoning of resource lands; and
  - d. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
    - (1) Facilitate an exchange of lands involving a governmental agency; or
    - (2) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
4. To allow a division of a lot or parcel zoned for forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling under Subsection 65.030(C);

- c. Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
  - d. At least one dwelling is located on each parcel created under this paragraph; and
  - e. The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
5. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.
- C. A lot or parcel may not be divided under Subsection 65.090(B)(4) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- D. Restrictions
- 1. An applicant for the creation of a parcel pursuant to Subsection 65.090(B)(2) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection 65.090(B).
  - 2. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.



- E. A landowner allowed a land division under Subsection 65.090(B) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.
- G. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:
  - 1. If the parcel contains a dwelling, it must be large enough to support continued residential use.
  - 2. If the parcel does not contain a dwelling:
    - a. It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - b. It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and
    - c. The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

#### **65.095 – PROPERTY DEVELOPMENT STANDARDS**

The following standards will apply, as appropriate, to all development and land divisions within this Zone:

- A. Lot Size and Shape - See Article 71
- B. Building & Accessory Heights, Setbacks, Yards - See Article 72
- C. Stream Setbacks - See Article 72

- D. Fences, Wall, and Screens - See Article 73
- E. Signs - See Article 74
- F. Parking - See Article 75
- G. Wildfire - See Article 76
- H. Access - See Article 81
- I. Erosion and Sediment Control - See Article 83
- J. Water Standards - See Article 84
- K. Utilities - See Article 85
- L. Solid Waste - See Article 86
- M. Aggregate Mining and Processing - See Article 91
- N. Home Occupations - See Article 92
- O. Archeological Resources - See Article 93
- P. Historic Resources - See Article 94
- Q. Hydroelectric Facilities - See Article 95
- R. Destination Resort - See Article 96
- S. Parks, Playgrounds, and Campgrounds - See Article 98
- T. Flood Hazard Combining Zone - See Article 69.1
- U. Big Game Combining Zone - See Article 69.2
- V. Wild & Scenic Rivers Combining Zone - See Article 69.3
- W. Airport Combining Zone - See Article 69.4
- X. Water Hazard Combining Zone - See Article 69.5
- Y. Mineral & Aggregate Combining Zone - See Article 69.11

**ARTICLE 66 – Reserved for future expansion**

## **ARTICLE 67 - RURAL RESIDENTIAL ZONES (RR-5, 10, 20, and 40)**

### **67.000 - RURAL RESIDENTIAL ZONES, RR-5, RR-10, RR-20 and RR-40**

#### **67.010 - PURPOSE**

The RR Zones set forth by this Section are applied to those areas of the County currently dominated by and committed to an overall pattern of land uses for rural residences and located in such a manner as to be adequately served by public facilities and services or in close proximity thereto. Said Zones are designed to provide lands to enhance the value of rural living and maintain a rural residence. Standards for rural land use and development consistent with the desired rural character and carrying capacity of the land and natural resources are vital considerations.

#### **67.020 - PERMITTED USES**

In an RR Zone, the following uses and their accessory uses shall be permitted, processed as a Type I Review Procedure under the requirements of Section 22.030.

- A. Single-family dwelling on an individual lot, including a manufactured home/mobile home meeting the requirements of Article 77.
- B. Farm use excluding commercial hog or mink operations, livestock feed or sales yard and slaughter houses.
- C. Utility facility necessary to serve the area or County.
- D. Public park, recreation area, community or neighborhood center.
- E. Other public uses or buildings necessary to serve the rural residential needs for the area.
- F. A Residential Home or Residential Facility in accordance with Section 11.030.
- G. Replacement of an existing lawfully established dwelling when;
  - 1. The old dwelling is removed, demolished or converted into an allowable nonresidential use within 3 months of the completion of the replacement dwelling.

**67.030 - ADMINISTRATIVE PERMIT USES**

In an RR Zone, the following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as Type II Review Procedure as set forth in Section 22.040:

- A. Day care or nursery.
- B. Home occupation subject to the limitations set forth in Article 92 of this Code.
- C. Roadside stand for the sale of agricultural products grown by the owner.
- D. Boarding of horses for profit, except for grazing.
- E. Model home, including temporary sales office, subdivision or development sale office.

**67.040 - CONDITIONAL USES**

In an RR Zone, the following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type II Review Procedure or as a Planning Commission Review Procedure under Article 24 as specified.

**Type II Administrative Review:**

- A. Operation conducted for the exploration, mining and processing of geothermal resources and defined by ORS 522.005, or for aggregate and other mineral resources or other surface or sub-surface resources provided that, as applicable, the:
  - 1. Subject operation is approved under a permit and reclamation plan issued by the State Department of Geology and Mineral Industries, and/or;
  - 2. Approval from the Federal Agency having jurisdiction is evident.
- B. Veterinary clinic or animal kennel.
- C. Horse boarding stables.
- D. Conversion of an existing dwelling unit to a duplex.

**Planning Commission Review**

- A. Private park, campground or other commercial recreation facility.
- B. Dude or guest ranch, or resort facility.
- C. Golf Course.
- D. Solid waste disposal site and facility.
- E. Commercial livestock feed or sales yard, hog or mink farms.

**SECTION 67.050 - LIMITATIONS OF USES**

The following limitations on uses permitted by this Section shall apply in an RR Zone.

- A. All hogs shall be confined to an area not located within 100-feet of a residential dwelling not owned by the owner(s) of said hogs.
- B. All animals, other than livestock as defined, shall be confined to the owner's premises; adequate fences shall be required to keep animals off adjacent lands.
- C. Barns, corrals, pens, sheds and other structures sheltering animals in a confined area shall be located a minimum of 35-feet from a side or rear property line, 75-feet from a front property line, and 100-feet from an existing residence on an adjoining lot or parcel.
- D. All structures and enclosures designed for animals shall be kept reasonably clean and free of flies and accumulated animal wastes.

**67.060 - DIMENSIONAL REQUIREMENTS**

- A. Lot Size. In the RR Zones, the following minimum lot sizes for each respective RR-Zone shall apply:

- 1. For Residential Use:
  - RR-5 Zone . . . . . 5 Acres
  - RR-10 Zone. . . . . 10 Acres
  - RR-20 Zone. . . . . 20 Acres
  - RR-40 Zone. . . . . 40 Acres

2. For non-residential uses the minimum lot size shall be as determined necessary to accommodate the intended use taking into account required setbacks, access and parking, buffer areas, potential expansion of future use conversion, resource carrying capacities, and other factors deemed necessary.

B. Setbacks. In an RR Zone, the following setbacks shall be maintained:

1. The front setback shall be a minimum of 20 feet from the front property line.
2. There shall be a minimum side setback of 10 feet from a property line for all uses, except in the case of a nonresidential use adjacent to a residential use the minimum side setback shall be 20 feet.
3. The minimum rear setback shall be 20 feet from the property line.

## **ARTICLE 68 - RURAL SERVICE CENTER (RSC-1)**

### **68.010 - PURPOSE**

The RSC-1 Zone is applied to the small unincorporated rural trading centers in the County that are located at some distance from a developed Urban Area. Said Zone is designed to provide for the continuation and future development of these centers. The purpose of this Zone is to provide for the continuation of the needed facilities and services that such centers provide.

### **68.020 - USES PERMITTED OUTRIGHT**

In the RSC-1 Zone, the following uses and their accessory uses shall be permitted with the issuance of a Zoning Permit, processed as a Type I Review Procedure under the requirements of Section 22.030.

- A. Farming, excluding commercial livestock feed or sales yard, hog farms, and mink farms.
- B. Non-farm single-family residence including a manufactured home/mobile home meeting the requirements of Article 77.
- C. Retail store, office or service establishment.
- D. Nursery, day care or kindergarten.
- E. Roadside stand for sale of agricultural products produced in subject area.
- F. A Residential Home or Residential Facility in accordance with Section 11.030.

### **68.030 - ADMINISTRATIVE PERMIT USES**

In an RSC-1 Zone, the following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as Type II Review Procedure as set forth in Section 22.040.

- A. Automobile service stations.
- B. Agriculturally-oriented commercial use.
- C. Park, playground or community building.



- D. Church, school and cemetery.
- E. Utility facility.
- F. Television or radio station, transmitter or tower.

**68.040 - CONDITIONAL USES**

In an RSC-1 Zone the following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type II Review Procedure under Section 22.050 or as a Planning Commission Review Procedure under Article 24 as specified.

**Type II Administrative Review**

- A. Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005, or for aggregate and other mineral resources or other surface of subsurface resources provided that, as applicable, the:
  - 1. Subject operation is approved under a permit and reclamation plan issued by the State Department of Geology and Mineral Industries, and/or
  - 2. Approval from the Federal Agency having jurisdiction is evident.
- B. Commercial residential use.
- C. Multi-family dwelling.
- D. Kennel or animal hospital.
- E. Tourist or travelers accommodations.

**Planning Commission Review:**

- A. Manufacturing or warehousing.
- B. Agriculturally-oriented industrial use.
- C. Welding sheet metal or metal fabrication shop.

- D. Mobile home park and travel trailer park.
- E. Motor vehicle wrecking yard and/or repair garage.
- F. Commercial amusement or recreation establishment.
- G. Water supply and treatment facility.
- H. Sewage disposal and treatment facility.

**68.050 - LIMITATIONS ON USES**

The following limitations on uses permitted by this Section shall apply in the RSC-I Zone:

- A. No animals, other than livestock as defined, shall be permitted that are determined by a court of competent jurisdiction to be a nuisance to an adjoining property owner or occupant.

**68.060 - DIMENSIONAL REQUIREMENTS**

- A. Lot Size. In the RSC-1 Zone, the following lot sizes shall apply:
  - 1. The minimum lot size for all uses shall be one acre.
  - 2. For each additional dwelling unit over one in a multi-family dwelling complex the minimum lot size shall be increased by 20,000 square feet.
- B. Setbacks. In the RSC-I Zone, the following setback requirements shall apply:
  - 1. The minimum front setback shall be 20 feet from the property line.
  - 2. The minimum side setback from the property line shall be 10 feet, except on the street side of a corner lot it shall be 20 feet.
  - 3. The minimum rear setback shall be 20 feet from the property line.

## **ARTICLE 69 - COMBINING ZONE**

### **69.010 - PURPOSE**

The purpose of the Combining Zone is to provide additional standards and requirements in response to specific conditions, situations and circumstances, both natural and human caused, so that development can occur while mitigating the specific conditions, situations and circumstances the Combining Zone is designed to cover.

### **69.020 - APPLICABILITY**

The requirements set out in each of the Combining Zones shall be in addition to the requirements of the underlying Zone. Where a conflict exists between the requirements of the underlying Zone and the Combining Zone, the more restrictive shall apply.

## ARTICLE 69.1 - FLOOD HAZARD COMBINING ZONE

### 69.110 – PURPOSE

- A. It is the purpose of this Combining Zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
  2. To minimize expenditure of public money and costly flood control projects;
  3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. To minimize prolonged business interruptions;
  5. To minimize damage to public facilities and utilities including water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
  6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. To ensure that potential buyers are notified property is in an area of special flood hazard;
  8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- B. In order to accomplish its purposes, this Article includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  2. Require that uses and related structures and facilities which are vulnerable to floods, are protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

**69.120 - FLOOD HAZARD AREA DEFINED**

- A. This Article shall apply to all areas of special flood hazards within the jurisdiction of Grant County identified by the Federal Flood Administration Flood Hazard Boundary Maps and the Flood Hazard Regulations set forth by said agency.
- B. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Grant, State of Oregon," dated December 1, 1981, with the accompanying Flood Insurance Maps, including any revision(s), are adopted by reference as part of this Code. The Flood Insurance Study is on file in the Grant County Planning Department.
- C. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within those areas will be free from flooding and flood damage. This Article shall not create liability on the part of Grant County including any officer or employee, or the Federal Insurance Administration, for any flood damages that result from reliance on this Article or any administrative decision lawfully made under the provisions of this Code or Article.

**69.130 - INTERPRETING FLOOD MAPS**

- A. The Planning Director shall be authorized to make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The following information shall be submitted to support the request for an interpretation:

1. The developer shall obtain certification by a qualified professional (i.e., soil geologist, engineer, surveyor) that the development is reasonably safe from flooding;
  2. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
- B. In the interpretation and application of this Article, all provisions shall be:
1. Considered as minimum requirements;
  2. Literally construed in favor of the governing body; and,
  3. Where conditions imposed by this Article are less restrictive than comparative conditions imposed by any other local code, ordinance, resolution or regulations, or by the provision of State law or State Administrative regulation, now or in future, then the more restrictive shall govern, and is deemed neither to limit nor repeal any other powers granted under State Statutes.

#### **69.140 - SITE DESIGN STANDARDS**

- A. General Siting Standards:
1. All dwellings and substantial improvements to dwellings, to be placed (or substantially improved) within Flood Hazard Zone shall be elevated on a permanent foundation such that the lowest floor of the dwelling is at least one foot above the base flood elevation;
  2. Structures shall be located on the area least impacted by inundation taking into consideration terrain, adverse soil and land conditions, access, location of structures on adjoining lots, and the size and shape of the parcel.
- B. Encroachments. Where base flood elevations have been provided, but floodways have not, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

**69.150 - GENERAL DEVELOPMENT STANDARDS**

All proposals for a subdivision within a flood zone shall comply with all of the following:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities including sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
- D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

**69.160 - FLOODWAY**

Located within areas of special flood hazard established in Section 69.120 are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification in the form of a technical study by a registered professional engineer or architect is provided which demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- B. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.

**69.170 - UNAVAILABLE ELEVATION DATA**

When base flood elevation data has not been provided in accordance with this Article, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this Article.

**69.180 - ALTERATION OF WATER COURSES**

- A. Notify adjacent communities and the Division of State Lands and the Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

**69.190 - VARIANCE APPLICATION**

- A. Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property, are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. The variance primarily addresses small lots in densely populated neighborhoods and so variances from the residential flood elevations should be quite rare.
- B. The application for a Variance from the flood standards shall contain the following information:
  - 1. A description of the Variance requested, why it is necessary, and that failure to grant the Variance will result in exceptional hardship to the applicant;
  - 2. A plot plan, in duplicate, which shows the following additional information:
    - a. The nature, location, dimensions, and elevations of the area in question;
    - b. Existing or proposed structures, fill, storage of materials, drainage facilities.
  - 3. The developer shall obtain certification by a qualified professional (i.e., soil geologist, engineer, surveyor) that the development is reasonably safe from flooding;
  - 4. A description of the on-site waste disposal systems which shall be located to avoid impairment to them or contamination from them during flooding;
  - 5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;



6. A statement discussing if the Variance will grant a special privilege not normally enjoyed by property owners in the vicinity.

#### **69.191 - VARIANCE PROCEDURE**

- A. An application for a Variance under this Section shall be processed as follows:
  1. The application shall be processed using the Type II Review Procedure subject to the requirements of Section 22.050 and shall be subject to the standards set out in Article 69.1;
  2. Upon consideration of the factors of this Section and the purposes of this Article, the Review Body may attach any conditions deemed necessary to further the purposes of this Article;
  3. Any applicant to whom a Variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased rise resulting from the reduced lowest floor elevation.
- B. A decision of the Review Body may be appealed within 12 days under Article 33 of this Code.
- C. The Review Body shall maintain the records of all Variances, including technical information, and shall report any Variances to the Federal Insurance Administration upon request.

#### **69.192 - VARIANCE CRITERIA**

The following criteria shall be considered before granting a Variance:

- A. All technical evaluations, all relevant factors, and standards specified in other sections of this Article;
- B. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the items listed below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases:

1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of any damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the Variance is the minimum necessary to preserve the historic character and design of the structure;
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;

- E. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief;
- F. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause;
  - 2. A determination that failure to grant the Variance would result in exceptional hardship to the applicant;
  - 3. A determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 69.192(B), or conflict with existing local laws or codes; and
  - 4. A finding that the Variance will not result in special privileges not normally enjoyed by property owners in the vicinity.
- G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other Variance criteria except Section 69.192(B) and the standards required by the Building and Safety Department.

**69.193 - PROPERTY DEVELOPMENT STANDARDS**

The property development standards in the underlying Zone shall apply to all development in this Combining Zone. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

## **ARTICLE 69.2 - BIG GAME COMBINING ZONE**

### **69.210 - PURPOSE**

The purpose of this Combining Zone is to restrict development so that sensitive Big Game Habitat is protected.

### **69.220 - PROPERTY DEVELOPMENT STANDARDS**

The property development standards in the underlying Zone shall apply to all development in this Combining Zone. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

## **ARTICLE 69.3 - WILD & SCENIC RIVERS COMBINING ZONE**

### **69.310 - PURPOSE**

The purpose of this Combining Zone is to facilitate development which is compatible with the requirements of the State and Federal Scenic Waterways Program.

### **69.320 - SITING STANDARDS**

Any use permitted in a Zone shall be allowed on lands adjacent to the John Day River Scenic Waterways, provided that:

- A. If the property is located within one-quarter mile of the mean high water line of the river, or within the river proper between the high water marks, no Development Permit shall be issued unless the applicant has obtained a Notice to Proceed from the Scenic Rivers Program, Parks Division, Oregon Department of Transportation; or the time limit for State acquisition has expired;
- B. If the property is located within the legal boundaries of the John Day National Wild and Scenic River, as established by Act of Congress, a copy of the proposed application shall be transmitted to the administering federal agency. If the property is subject to a scenic easement, no Development Permit shall be issued unless the applicant has obtained an authorization from the administering agency;
- C. No building located within one-quarter mile of the mean high water line of the river or within the river proper between the high water line, shall exceed a height of 30 feet, except as provided in Article 7, or the structure is screened from the river by topography or vegetation.

### **69.330 - PROPERTY DEVELOPMENT STANDARDS**

The property development standards in the underlying Zone shall apply to all development in this Combining Zone. The standards contained in this Article shall be in addition to the standards of the underlying Zone.

## ARTICLE 69.4 - AIRPORT COMBINING ZONE

### 69.405 - PURPOSE

An Airport Combining Zone is applied to an area which is in the proximity of active air fields where aircraft operations occur on a regular basis. This Combining Zone signifies a measure of noise level (sound measured in decibels), dust, engine exhaust, and visual impact, surrounding the airport. In order to prevent the creation of hazards, special airport zoning regulations controlling and limiting the use of land are established within the Airport Combining Zone. The provisions of this Section are not intended to abrogate any other Section of this Code and when it appears that there is a conflict, the most restrictive requirements shall apply.

### 69.410 – DEFINITIONS

The following definitions are incorporated consistent with applicable State law and administrative rules.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including, but not limited to land used for existing airport uses.

Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

Airport Elevation. The highest point of an airport's useable runway, measured in feet above mean sea level.

Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relations to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - a. 2,000 feet for a utility runway having a non-precision instrument approach;
  - b. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
  - c. 4,000 feet for a non-precision instrument runway, other than utility, leaving visibility minimums at or below three-fourths statute mile; and
  - d. 16,000 feet for precision instrument runway.
2. The approach surface extends for a horizontal distance of:
  - a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;
  - b. 10,000 feet at a slope 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; and
  - c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at slope of 40 feet outward for each one foot upward, for precision instrument runways.
3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

FAA. The Federal Aviation Administration.

FAA's Technical Representative. As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDAAPHIS-Wildlife Services.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet for all runways designated as utility.
2. 10,000 feet for all other runways.
3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and or which no precision approach facilities are planned or indicated on an FAA approved airport layout plan or other FAA planning document.

Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

Other than Utility Runway. A runway that is constructed for and intended to be used by turbine driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.

Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. 500 feet for utility runways having non-precision instrument approaches.



2. 500 feet for other than utility runways having non-precision instrument approaches with visibility minimums greater than three-fourths statute mile; and
3. 1000 feet for non-precision instrument runways with visibility minimums at or below three-fourths statute mile, and for precision instrument runways.

Public Assembly Facility. For the purposes of Section 69.435 G 6 & 8, a permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

1. 1000 feet for utility runways.
2. 1700 feet for other than utility runways having non-precision instrument approaches.
3. 2500 feet for precision instrument runways.

Significant. As it relates to bird strike hazards, “significant” means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, grapples, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of the ordinance.

#### **69.415 - Imaginary Surface and Noise Impact Boundary Definition**

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, as delineated by the Ogilvie Field Airport Master Plan, are hereby made part of the Official Grant County Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay zone.

#### **69.420 - Notice of Land Use and Permit Applications within Overlay Zone Area**

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use applications or limited land use applications.

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway.
- B. Except as provided under Subsection 69.420(D), notice of land use and limited land use application shall be provided within the following timelines.
  - 1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
  - 2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
- C. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
- D. Notices required under Paragraphs A-C of this section need not be provided to the airport sponsor or the Department of Aviation where the property that is the subject of the land use or limited land use application is more than 35 feet lower in elevation at the site of the structural development than any runway surface at Ogilvie Field; or, that meets all of the following criteria:
  - 1. Would only allow structures not exceeding 35 feet in height;
  - 2. Involved property located entirely outside the approach surface;
  - 3. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
  - 4. Does not involve wetland mitigation, enhancement, restoration or creation.

**69.425 - Height Limitations on Allowed Uses in Underlying Zones**

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surfaces such that existing structure and permitted development penetrate or would penetrate the airport imaginary surfaces, the maximum allowable structure height is 35 feet, except as approved with a Conditional Use Permit and pursuant to this Chapter.
- C. Where a structure height exceeding 35 feet is proposed, it may be approved only where it is supported in writing by the airport sponsor, and not opposed by the Department of Aviation or the FAA, unless the at-grade elevation of the structure's footprint is such that the proposed maximum structure height is lower than the elevation of any runway surface at Ogilvie Field. Applications for increased height on any other property within this overlay zone shall follow the procedures set forth in Section and Conditional Use Permits and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

#### **69.430 - Procedures**

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.
- B. A site plan drawn to scale including the location and elevation of the building site, all existing and proposed structures, measured in feet above mean sea level.
- C. If a Conditional Use Permit or Variance is requested for increased structure height, letters of support from the airport sponsor, the Department of Aviation and the FAA must be submitted unless the at-grade elevation of the structure's footprint is such that the proposed maximum structure height is lower than the elevation of any runway surface at Ogilvie Field.

#### **69.435 - Land Use Compatibility Requirements**

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

- A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.
- B. Outdoor Lighting. No new or expanded outdoor lighting shall project directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel and only as approved by the airport sponsor. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- C. Glare. No glare producing material, including, but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- E. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radio telephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

- F. Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collision is not likely to result.
- G. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Area. The land uses allowed in the General Industrial Zone are allowed within the AC overlay, subject to the following standards and limitations:
1. No structure shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
  2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ
  3. Agricultural and farming practices normal and accepted for the area are not considered a conflict; however, deliberate attempts to attract birds with agricultural and/or farming practices shall be prohibited.
  4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are not practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
  5. In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation (ODA).
  6. Public assembly facilities are prohibited in the RPZ.
  7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of the approval. Structures are not permitted

within the RPZ. For purposes of this document, tee markers, tee signs, pin cups and pins are not considered to be structures.

8. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre, frequency of use; level of activity at the airport, and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and residential structures should be located outside approach surfaces unless no practicable alternatives exist.
9. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this document regarding water impoundments.
10. Water impoundments are prohibited within 5,000 feet from the edge or end of a runway; however, Agricultural Irrigation Structures, including, but not limited to: impoundments in rivers or streams; conveyance structures such as ditches and canals; and, the ponding of water caused by irrigation practices on crops in fields and runoff from irrigated fields, shall be exempt from this prohibition.
11. Wetland mitigation required for projects located within an approach surface, the airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and the wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runway and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runway and approach surfaces.

#### **69.440 - Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries**

Any user or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

- A. Except as provided under subsection (B) of this section, and as set forth in “Agricultural Irrigation Structures” above, no new or expanded water impoundments of one-quarter acre in size or larger are permitted.
  - 1. Within an approach surface and within 5,000 feet from the end of a runway; or
  - 2. On land owned by the airport sponsor that is necessary for airport operations.
- B. Storm water management basins established by an airport identified under ORS 836.610(1) are allowed.

**69.445 - Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surfaces and Airport Direct and Secondary Impact Boundaries**

- A. Notwithstanding the requirements of Subsection 69.440, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Subsection 69.440 shall be allowed upon demonstration of compliance with the requirements of this Section.
- B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under 69.440 are recognized as lawfully existing uses.
- C. To help avoid increasing safety hazard to air navigation near public use airport, the establishment of wetland mitigation banks in the vicinity of such airports, but outside approach surfaces and areas regulated under 69.440 is encouraged.
- D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under 69.440 shall be considered utilizing the review process applied to applications for Conditional Use Permits and shall be permitted upon demonstrations that:
  - 1. It is not practicable to provide off-site mitigation; or
  - 2. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.



- E. Wetland mitigation permitted under subsection D of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movement of birds across runways or approach surfaces.
- F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under 69.440, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for Conditional Use Permits and shall be permitted upon demonstration that:
  - 1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and
  - 2. The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish and Wildlife (ODFS), the Oregon Division of State Lands (DSL), the US Fish and Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

**69.450 - Nonconforming Uses**

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was began prior to the effective date of this overlay zone.
- B. Notwithstanding subsection A of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation

shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of the overlay zone.

**69.455 - Avigation Easement Required**

Within this overlay zone, property owners who apply for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for habitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1,000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

**ARTICLE 69.5 - WATER HAZARD COMBINING ZONE**

**RESERVED FOR FUTURE USE**

## **ARTICLE 69.6 - GEOLOGIC HAZARD COMBINING ZONE**

### **69.610 – GEOLOGIC HAZARD COMBINING ZONE (GH).**

As applicable, the provisions set forth by the affected City's Geologic Hazard Combining Zone shall apply to areas located in a Geologic Hazard Area.

## **ARTICLE 69.7 - GREENWAY COMBINING ZONE**

### **69.710 – GREENWAY COMBINING ZONE (GW).**

As applicable, the provisions set forth by the affected City's Greenway Combining Zone shall apply.

## **ARTICLE 69.8 - PLANNED UNIT DEVELOPMENT COMBINING ZONE**

### **69.810 - APPLICABILITY**

In the case where a PUD Zone is approved as Combining with another zone, the following regulations shall apply.

### **69.820 - PURPOSE**

Utilization of a Planned Unit Development Combining Zone serves to encourage development, as one project, tracts of land that are sufficiently large enough to allow a site design for a group of structures or related uses. The planned unit development approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthy, efficient and stable environment. It must either promote a harmonious variety or grouping of related uses, or utilize the economy of shared services and facilities. Authorization of planned unit developments shall also take into account the following purposes:

- A. Advances in technology and design, and design flexibility.
- B. Recognition and resolution of problems that may be created by increasing population density in a specific area.
- C. The need to balance public costs vs. benefits in development throughout the County.
- D. Increase density without the impacts of conventional designs by more effective use of open space, buffers and unit clustering.
- E. Increased compatibility in the mixing of building types or land uses through design control, improved aesthetics and environmental preservation.

### **69.830 - GENERAL STANDARDS AND REQUIREMENTS**

- A. Applicant must show how the proposed PUD will further the purpose statement of Article 69.820. A PUD Combining Zone shall not be used to simply circumvent regulations of the primary zone.
- B. Planned Unit Developments shall not be approved in areas subject to Exclusive Farm Use, Primary Forest Use, Multiple Use Range, or Other Resource Land zoning.

- C. The principal use of land in a Planned Unit Development shall reflect the general types of uses of the primary Zone. Accessory uses within the development may include uses permitted in any zone, except that industrial uses can only be included if the primary zone designation is G-I, General Industrial.
- D. All requirements of this Section and other applicable Sections of this Ordinance shall apply to Planned Unit Developments.

**69.840 - PROCEDURE FOR PLANNED UNIT DEVELOPMENT COMBINING ZONE**

- A. The procedures set forth by Article 24, Planning Commission Review, shall be followed for a PUD Combining Zone Application.
- B. An approved Planned Unit Development shall be identified on the County Zoning Map in addition to the primary existing Zone.

**69.850 - PROJECT DENSITY**

The project density standards set forth herein are in reference to the number of dwelling units or other potential population measures per acre after public or private street right-of-way has been excluded. Except as set forth in this Section, the overall density of a PUD shall not exceed the applicable Zone minimum or size ratio as set forth by this Ordinance.

- A. The Planned Unit Development may result in a density in excess of the density otherwise permitted within the Zone in which the Planned Unit Development is to be constructed provided:
  - 1. For an approved scheme of common open space, a maximum increase in density of 5% if the space is to be continuously maintained undeveloped and a maximum increase in density of 10% if the space is to be continuously maintained and developed.
  - 2. For distinctiveness and excellence in siting, design and landscaping that will provide unusual enhancement to the general area, a maximum increase in density of 10%.
  - 3. For preservation, improvement and enhancement of significant natural, scenic, wildlife habitat, historic and similar resources, a maximum increase of 10%.

- B. If the County finds that any of the following conditions would be created by an increase in density permitted by this Section, it may either prohibit any increase in density or limit the increase in density by the amount deemed necessary to avoid the creation of any of these conditions:
1. Inconvenient or unsafe access to the Planned Unit Development or adjoining developments.
  2. Traffic congestion in the streets/roads which adjoin the Planned Unit Development to the overall street/road system in the County.
  3. An excessive burden on sewage, water supply, parks, recreational areas, schools, or other public facilities which serve or are proposed to serve the Planned Unit Development.



## **ARTICLE 69.9 - RURAL INDUSTRIAL DEVELOPMENT COMBINING ZONE (RIDC)**

### **69.910 - PURPOSE**

The Rural Industrial Development Combining (RIDC) Zone is intended to provide for and support industrial development and diversification deemed necessary to economic improvement and viability of the County. The purpose is to provide siting alternatives for economically beneficial industrial development in the rural areas of the County where such development does not require urban type services and where designated urban area industrial sites are not reasonably suited or available. Such development, however, shall not be permitted without due consideration of alternate sites, terrains, soil types and capabilities, natural resource carrying capabilities, and hazards. Further, consideration shall also be given to current land uses, and approval shall provide adequate control, siting criteria and conditioning to permit the predominate area resource uses to continue with minimum adverse affects.

### **69.920 - QUALIFYING CONDITIONS**

Approval of an application for an Industrial Development pursuant to the provisions of the RIDC Zone shall be based on the following conditions:

- A. The proposed area of the RIDC Zone shall be site specific and limited to the maximum area necessary to accommodate the proposed use.
- B. The specific site shall be under the control of one owner or group of owners party to the application, and shall be capable of being planned and developed as one integral unit.
- C. All applicable State and Federal sewage, solid waste disposal and pollution control standards are to be complied with.
- D. At the time of the development approval and RIDC Zone designation and prior to issuance of a Building Permit or Land Conveyance, whichever comes first, the applicant shall record in the deed records of the County that:
  - 1. There will be no further development of the land beyond the approved RIDC and Development Plan thereof without prior County approval; and
  - 2. Any designated open space or buffer areas shall be held in perpetuity as designated; and

3. A covenant recognizing the existing use of surrounding land and an agreement not to remonstrate against existing uses.
- E. Approval of an RIDC Zone shall only be granted based on the following Findings:
1. The use cannot be located inside an urban growth boundary or existing industrially designated area because of site area limitations, natural hazard limitations, land use compatibilities, site availability or other limiting factors.
  2. There is an identifiable public need and benefit, the public benefit of the proposed use is found to exceed the estimated public loss associated with the resource use conversion; and the use would have a significant comparative advantage by location on the proposed site.
  3. The proposed use location has sufficient resource carrying capacity relative to waste disposal, water supply, etc. and public hazards such as fire, erosion, etc. will not be increased.
  4. The proposed use is adequately served by existing public transportation and utility services, and required employee and input-output transportation will not create excessive public hazards, conflicts or cost.
  5. The proposed use is found to be compatible with and does not seriously interfere with adjoining and area rural and natural resource uses.
  6. The proposed use and location will not have a negative impact on the adopted Urban Growth Areas of the County.
  7. The proposed site involves lands generally unsuitable or of low productivity for farm or forest uses, and does not involve any identified significant natural, geological, historical or scenic resources.
- F. A proposal for a RIDC site designation not meeting the foregoing criteria shall only be approved as an "exception" to the primary site resource designation and other applicable resource designations. Such "exception" shall only be approved pursuant to applicable standards set forth in State Statutes and Administrative Rules.

**69.930 - USES PERMITTED IN A RIDC ZONE WITHOUT AN EXCEPTION**

Unless approved as part of an exception, only the following uses and their accessory uses will be permitted in an RIDC Zone. Such uses shall be Conditional Uses subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type II Review Procedure under Section 22.040 or as a Planning Commission Review Procedure under Article 24 as specified.

**Type II Administrative Review**

- A. Agricultural product servicing and processing, including, but not limited to, food storage and processing, wineries, mint distilleries, forage processing, and other agriculturally related manufacturing, processing and distribution.
- B. Forest products manufacturing and/or processing.
- C. Production, processing, packaging and/or treatment of farm crops or forest products.
- D. Research and development laboratories directly related to farm, forest or mineral resources.

**Planning Commission Review**

- A. Mineral, precious and non-precious metal and aggregate manufacturing and processing.

**69.940 - DIMENSIONAL STANDARDS**

The following dimensional standards shall apply to development in an approved RIDC Zone:

- A. The area of an RIDC Zone shall be the maximum area necessary to accommodate the proposed use(s), accessory uses and service systems, and to provide the maximum protection for adjacent land uses.
- B. Setback requirements shall be in compliance with the applicable provisions of the primary Zone.
- C. Building height requirements shall be in conformance with the applicable provisions of the Primary Zone except as approved otherwise by the County.
- D. Maximum lot coverage shall not exceed 70%.

### **69.950 - APPLICATION REQUIREMENTS**

An application for a RIDC Zone designation shall be processed as a Zone change application in conjunction with a Site Development Plan for the subject area and shall be subject to the procedures and fees of the applicable process. The following material must be submitted when applying for a RIDC Zone:

- A. A Site Development Plan to scale showing all existing and proposed structures, open uses and traffic patterns, and service facilities.
- B. A topographic map of the proposed tract at sufficient scale to show elevations, contour lines, lakes, ponds or streams located on the tract (USGS topographic data may be used).
- C. A County map showing adjoining and area land uses and ownerships.
- D. An inventory and classification of the soil types within the site and suitable uses and limitations thereof (USDA Natural Resources Conservation Service data may be used).
- E. A report from the Department of Environmental Quality demonstrating that the proposed use and area qualifies for a subsurface disposal system.
- F. If a road or roads must be constructed for legal access, the plan shall include the road standards and circulation pattern.
- G. A statement of the source of water.
- H. An explanation of the character of the RIDC development and the manner in which it has been planned to take advantage of the RIDC regulations and how this relates to the natural features and specific selection of the site, including alternate siting evaluations.
- I. A statement of present ownership of all land included within the proposed RIDC.
- J. A general indication of the expected schedule of development and economic production, employment and benefits thereof.
- K. All proposed property divisions as applicable. Land divisions shall be processed under the provisions of Chapter 5.
- L. Such additional information as required by the Planning Department and/or Planning Commission concerning any phase of the proposed development.

## **ARTICLE 69.10 - SIGNIFICANT RESOURCE COMBINING ZONE (SR)**

### **69.1010 - PURPOSE**

The purpose of the Significant Resource (SR) Zone is to protect significant mineral resources, scenic areas, natural areas, and fish and wildlife habitat in Grant County, and to permit development which is compatible with such protection.

### **69.1020 - APPLICATION**

The Significant Resource (SR) Zone shall be applied to sites designated as significant resource sites on the Grant County Comprehensive Plan Goal 5 resource map, and determined to be worthy of full protection (i.e., a "3A" Site) or limited protection (i.e., a "3C" Site) against conflicting uses.

### **69.1030 - CONDITIONAL USES**

If a use or activity permitted outright in the underlying Zone, or a use or activity is listed in this Section as a conflicting use or activity, it shall become a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46, processed as a Type II Review Procedure under Section 22.040 or as a Planning Commission Review Procedure under Article 24 as specified and shall meet the standards set out in this section when applicable.

### **69.1040 - REVIEW PROCESS AND PROCEDURES**

- A. When a "3A" decision (i.e., to fully protect the resource) has been made for the significant resource site as indicated in the Comprehensive Plan, any application for a conflicting use or activity listed in Section 69.1060 shall be denied unless the applicant can clearly demonstrate that the proposed use or activity will have no significant negative impacts on the resource and findings thereof are established by the County. Findings for this demonstration shall be based, at a minimum, on consultation on with the responsible agency listed in Section 69.1061.
- B. When a "3C" decision (i.e., partial resource protection) has been made for the significant resource site as indicated in the Comprehensive Plan, any application for a conflicting use or activity listed in Section 68.260 shall be reviewed according to the requirements below:
  - 1. The applicant shall submit a map(s) of the location of the resource site(s), and a written description(s) of the resource type(s).

2. The applicant shall consult with the responsible resource agency listed in Section 69.1061 for the purpose of identifying any limitations on the siting, construction or operation of the proposed use or activity which would reduce or eliminate any negative impacts to the resource site.
3. In addition to other applicable requirements of this and other County Ordinances, the County shall approve the application only if it can be clearly demonstrated that the proposed use or activity will have no significant negative impact on the resource site, or that the reduced preservation review criteria of Section 69.1050 are met.

### **69.1050 - REDUCED PRESERVATION REVIEW CRITERIA**

The environmental, social, economic and energy consequences (i.e., benefits and costs) of allowing the proposed use or activity shall be described in sufficient detail to provide a clear demonstration that the applicable criteria below are met.

#### **A. All Significant Resource Sites**

1. The resource site shall not be altered or impacted to the point where it no longer has significant resource value. Such a point would be reached when the altered or impacted site would no longer meet the significant resource requirements used to designate the site in the Comprehensive Plan.
2. The amount of alteration of or impact to the significant resource shall be the minimum necessary to accomplish the purpose of the proposed use or activity.
3. There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife.
4. An alternative site for the proposed use or activity which would have less impact to the resource value of the site, does not exist on the applicant's lot or parcel or on contiguous lots or parcels. For purposes of this Section, contiguous means lots or parcels with a common boundary, not separated by a public road, and in which greater than possessory interests are held by the same person, spouse or single partnership or business entity, separately or in tenancy in common.

5. Forest operations for which notification is required by ORS 527.670(2) shall be governed by the Oregon Forest Practices Act, and not by the provisions of this Section.

B. Riparian Vegetation

1. The criteria of this Subsection shall apply within an area of 100 feet measured horizontally from the ordinary high water line of Class I and II Streams inventoried in the County Comprehensive Plan.
2. Roadways and Structures shall not be located within the riparian area defined in (1) above, unless:
  - a. For a bridge crossing; or
  - b. Direct water access is required in conjunction with a water-dependent use; or
  - c. Because of natural features such as topography, a narrower riparian area protects equivalent habitat values; or
  - d. No amount of riparian vegetation is present; or
  - e. Roadway access is required for an otherwise approved use.
3. All trees and at least 50% of the under story vegetation shall be retained within areas listed in "1" above, with the following exceptions:
  - a. Removal of dead, diseased or dying trees or leaning trees which pose an erosion or safety hazard.
  - b. The mowing, planting or maintenance of existing lawn and pasture, including the control of noxious weeds;
  - c. Vegetation removal necessary to provide direct access for a water-dependent use, or an otherwise approved use;
4. Structural shore land stabilization; and

5. Vegetation removal necessary in conjunction with an approved in-water project, such as a bridge.

C. Mineral and Aggregate Resource Sites. A conflicting use listed under Subsection 69.1060 within 2,640 feet from a significant mineral or aggregate resource site (active or potential) may be required to establish setbacks in excess of those required in the underlying Zone. The required setback shall be determined by the Planning Director after meeting with the applicant and the owner of the mineral resource land to ensure visual and sound screening between present and future resource uses and the proposed conflicting use. Such setback shall be no less than those of the underlying Primary Zone.

D. Big Game Range Restrictions

1. New structures shall be located as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure).
2. Structures shall share a common access road wherever possible.
3. Where it is impractical to share a common access road, the dwelling shall be located as close as possible to the nearest existing public road in order to minimize the length of access from the nearest existing public road.
4. Residential subdivisions shall have clustered dwellings, or be a planned development subject to the provisions of Article 5 of this Code.
5. In no instance shall the minimum lot size provisions of this Section allow a smaller lot or parcel size than allowed by the underlying Primary Zone.

E. Sensitive Eagle and Heron Habitat

1. The proposed use shall not destroy or cause abandonment of the nesting or roosting trees or sites.
2. Within 600 feet of an eagle nest site or 300 feet of a heron rookery site, no tree removal or other conflicting use shall be allowed unless the Planning Director, after consultation with the Oregon Department of Fish and Wildlife, and in consideration of critical nesting periods, buffer areas and necessary trees for nesting and roosting, finds that the conflicting use will not destroy or reasonably cause the abandonment of the site.



**69.1060 - LIST OF CONFLICTING USES AND ACTIVITIES**

A. Mineral and Aggregate Resources

1. Dwellings, except those in conjunction with mining operations.
2. Parks, playgrounds, campgrounds, hunting and fishing preserves.
3. Community and neighborhood centers and recreation facilities and establishments.
4. Schools and day care or nurseries.
5. Dude or guest ranch or resort facility.
6. Commercial residential use.
7. Tourist or traveler accommodations.
8. Mobile home park or travel trailer parks.

B. Natural Areas (for natural areas identified as having only wildlife resource elements, refer to that resource category).

1. Sunken Mountain Geologic Feature - utility facilities including power lines and transmission towers, solid waste disposal site, and the exploration, mining or processing of geothermal, aggregate, or mineral resources.
2. Indian Creek Ranch Natural Area - any use requiring diversion, water impoundment or withdrawal of the water; any use requiring drainage, filling or diking; harvesting of the old-growth Ponderosa Pine (T14S., R33E., Section 3 E1/2 SW1/4).
3. Jackass Creek Natural Area -- grazing (at a frequency of greater than once every two years in the spring).

C. Big Game Habitat

1. Residential dwellings to include those customarily provided in conjunction with farm or forest uses.

2. Campgrounds.
3. Highways and roads other than access roads.
4. Community centers.
5. Golf courses.
6. Schools.
7. Forest products harvesting and associated activities.

D. Wetlands

1. Ditching, draining or diking, usually, but not necessarily in conjunction with farm use.
2. Fill for any purpose, usually, but not necessarily in conjunction with building siting and roadway construction.
3. Water withdrawals or impoundment in the Bear Creek or Silvies River drainages.

E. Riparian Vegetation

1. Forest products harvesting and associated activities such as road building and log storage.
2. Vegetative removal or land clearing for any use.

F. Sensitive Bird Habitat

1. Tree removal for any purpose.
2. Residential dwellings, to include those customarily provided in conjunction with farm or forest use.
3. Solid waste disposal.
4. Commercial use in conjunction with farm or forest uses.

5. Mineral extraction or processing.
6. Playgrounds.
7. Campgrounds.
8. Community center.
9. Golf course.
10. School.
11. Highways or roads.
12. Commercial utility facility.
13. Commercial processing of farm or forest products.

**69.1061 - RESPONSIBLE AGENCY LIST**

The following agencies shall be consulted when a use or activity is proposed in the following resource areas:

Resource	Agency
(A) Fish and Wildlife Habitat Areas (i.e., surface water and wetland areas, riparian areas, big game winter ranges, nest sites)	-Oregon Department of Fish and Wildlife and -U.S. Department of Fish and Wildlife when they have jurisdiction
(B) Water Resources	-Division of State Lands -Department of Transportation -Department of Geology and Minerals Industries
(C) Energy Resources	-State Department of Energy
(D) Mineral and Aggregate	-County Road Department

Resources	-State Highway Department -Department of Transportation -Department of Geology and Mineral Industries
(E) Archaeological Resources	-County Historical Society -State Historic Preservation Office
(F) Historic Buildings and Sites	-County Historical Society -State Historic Preservation Office
(G) Parks and Recreation Scenic	-State Parks & Recreation Waterways -State Department of Transportation
(H) Geothermal Resources	-Department of Geology and Mineral Industries

#### **69.1062 - HISTORIC BUILDINGS AND SITES**

##### **A. Alteration/Demolition Permits**

A permit is required for alteration or demolition of any structure listed in the Grant County Comprehensive Plan inventory of significant historic resources.

1. Alteration as governed by this Section means any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural detail of the exterior part of the structure, but shall not include paint color.
2. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this Section that does not involve a change in design, material, or external appearance thereof. Nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition.
3. Exemption. A permit is not required under this Section for alteration of a structure when review of the proposed alteration is required by an agency of the State or Federal government.

B. Review Procedure

1. Application. A property owner or authorized agent may initiate a request for a permit for alteration or demolition of an historic structure by filing an application with the County Planning Department using forms prescribed for this purpose.
2. Public Review Process. The Planning Director shall initiate a Conditional Use Permit process on the permit request within 21 days of receipt of such application.
3. Notice
  - a. Notice of the permit request and the review thereof shall be given not less than 10 or more than 20 days prior to the date of the response deadline for comments by one publication in a newspaper of general circulation in the area of specific request.
  - b. Written notice of the review shall be mailed to the applicant, the owners of the affected property, the State Historic Preservation Office, to any person requesting notice of demolition or alteration of an historic structure and the Grant County Historical Society. Such notice shall be in accordance with the Conditional Use Permit process.
4. Decision
  - a. The Planning Director shall render a decision on an application within 10 days of closure of the review process.
  - b. A copy of the decision shall be mailed to the applicant, the owners of the affected property, and other persons specifically requesting such notification within seven days following the decision.

C. Planning Director Action

1. Alteration. In the case of an application for alteration of an historic structure, the Planning Director shall:
  - a. Approve the request submitted;
  - b. Approve the request with modifications or conditions; or

- c. Deny the request.
  - d. The Director may also refer the application to the Grant County Historical Society for review and written recommendation prior to taking such action set forth in this Section.
2. Demolition. In the case of an application for demolition of an historic structure, the Planning Director shall authorize either:
- a. Immediate issuance of the permit; or
  - b. Delay of issuance of the permit for up to 120 days. During this period, the Planning Director and the County Court shall attempt to determine if public or private acquisition and preservation are feasible or if other alternatives are possible which could be carried out to prevent demolition of the site or structure. The Director or the Court may request advice from the County Historical Society.

D. Criteria

1. Exterior Alteration. The Planning Director shall approve an application if the proposed alteration is determined to be harmonious and compatible with the appearance and character of the historical building and shall disapprove any application if found detrimental as unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the building. The following guidelines apply to exterior alterations to historical buildings:
- a. Retention of original construction - So far as practicable, all original exterior materials and details shall be preserved.
  - b. Height - Additional stories may be added to historic buildings provided that:
    - (1) The added height complies with requirements of the uniform building code and the Zoning Ordinance.
    - (2) The added height does not exceed that which was traditional for the style of the building.

- (3) The added height does not alter the traditional scale and proportions of the building style.
    - (4) The added height is visually compatible with adjacent historic buildings.
  - c. Bulk - Horizontal additions may be added to historic buildings provided that:
    - (1) The bulk of the addition does not exceed that which was traditional for the building style.
    - (2) The addition maintains the traditional scale and proportion of the building style.
    - (3) The addition is visually compatible with adjacent historic buildings.
  - d. Visual integrity of Structure - The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
  - e. Scale and Proportion - The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.
  - f. Materials, Color, and Texture - The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.
  - g. Signs, Lighting, and Other Appurtenances - Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.
- 2. Demolition. The Planning Director shall authorize immediate issuance of a demolition permit if all of the following are found:
  - a. The structure cannot be economically rehabilitated;

- b. A program or project does not exist which may reasonably result in preservation of the structure;
  - c. Delay of the permit would result in unnecessary and substantial hardship to the applicant;
  - d. Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the structure and the economic, cultural and energy consequences of demolishing the structure.
3. Appeals. An appeal of a decision by the Planning Director pursuant to this subsection shall be to the County Planning Commission.



**ARTICLE 69.11 - MINERAL & AGGREGATE COMBINING ZONE**

RESERVED FOR FUTURE USE TO IDENTIFY, PROTECT, AND FACILITATE THE USE OF SIGNIFICANT GOAL 5 MINERAL AND AGGREGATE RESOURCE SITES. THE COMBINING ZONE WILL BE DEVELOPED AS PART OF THE COUNTY'S PERIODIC REVIEW PROCESS AS A WORK TASK.