



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: July 27, 2015

Jurisdiction: Coos County

Local file no.: AM-15-03

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/22/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
	002-15
File No.:	{23772}
Received: 7/22/2015	

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Coos County

Local file no.: **AM-15-03**

Date of adoption: July 15, 2015

Date sent: 7/22/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4/29/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The only changes made to the adopted language were the removal of transmission lines and the additions of a definition for compatibility and a request from Oregon Parks & Rec. to reflect the state rules for public parks pursuant to OAR 660-034-0035.

Local contact (name and title): Jill Rolfe, Planning Director

Phone: 541-396-7770

E-mail: planning@co.coos.or.us

Street address: 225 N. Adams

City: Coquille

Zip: 97423-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

This will be included in Chapter 4 of the Coos County Zoning and Land Development Ordinance.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Coos Health and Wellness and DEQ

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Adopting replacement language for the
5 Coos County Zoning and Land Development Ordinance
(Forest and Exclusive Farm Use Updates, AM-15-03)

ORDINANCE No.: 15-05-004PL

6
7 SECTION 1. TITLE

8 This Ordinance shall be known as the "Coos County Ordinance No. 15-05-004PL".

9 SECTION 2. AUTHORITY

10 This ordinance is enacted pursuant to the provisions of ORS 215.060 and ORS 215.233;

11 SECTION 3. PURPOSE

12 The purpose of this Ordinance is to amend the Coos County Ordinance 85-03-004L, and
13 amendments thereto, which is the Coos County Zoning and Land Development Ordinance that implements
14 Volume I of the Coos County Comprehensive Plan.

15 These amendments are necessary to include uses that were not previously listed in the Forest,
16 Forest Mixed Use and Exclusive Farm Use zoning districts and to be in compliance with state law.

17 SECTION 4. FINDINGS

18 The Board of Commissioners of Coos County finds that the adoption of this ordinance is a land use
19 decision which must be made in accordance with the requirements of Oregon Statewide Planning Goal 3 and 4.

20 This ordinance complies with the requirements of the Statewide Planning Goal 3 and 4.

21 SECTION 5. Adoption of amendments to the Coos County Zoning and Land Development Ordinance

22 Exhibit "A", attached hereto and incorporated herein by this reference, is adopted as amendment to
23 Ordinances 85-03-004L which is the Coos County Zoning and Land Development Ordinance.

24 SECTION 6. SEVERANCE CLAUSE

25 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
26 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect
27 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other section,
28 subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of
29 the portion thereof declared to be unconstitutional or invalid, is valid.

30 //

1 SECTION 7. REPEAL OF INCONSISTENT ORDINANCES

2 Coos County Ordinance 85-03-004L are repealed to the extent that they are in conflict with this
3 ordinance. Coos County Ordinances 85-03-004L shall remain in full force and effect in all other respects.

4 Dated this 15th day of July 2015.

BOARD OF COMMISSIONERS

5 ATTEST

6 *Jay May*

Recording Secretary

John A. Bob Magin
Chair

7 Approved as to form:

8 *[Signature]*

9 Office of Legal Counsel

Absent

Vice Chair

[Signature]
Commissioner

10
11
12 1st Reading: June 24, 2015

13 2nd Reading: July 15, 2015

14 Effective Date: October 13, 2015

§ 2.1.200 Compatibility means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses, and not potential or future uses in the surrounding area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.

ARTICLE 4.6 – RESOURCE ZONING DISTRICT

CHANGES TO SECTION 4.6.100 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted subject to applicable development standards for Forest and Forest Mixed Use zone.

1. Non Residential Uses:

- g. ~~Farm~~ *Agricultural* buildings or accessory structures. ~~Barns and other agricultural structures accessory to farm use shall be permitted within the Forest Mixed Use Zone. Any other accessory structure shall be established only when a lawfully established dwelling exists, or is being established on the subject property. [OR 93-12-017PL 2/23/94] 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.~~
- s. ~~Dredge material disposal~~
- t. ~~Fill~~
- w. ~~In the Forest Mixed Use zone only, farm stands if:~~
 - i. ~~The structures are designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stands, and~~
 - ii. ~~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.~~

Note: This will be moved to a conditional use to be consistent. The language will be replaced with outdoor mass gatherings.

- w. *An outdoor mass gathering as defined in ORS 433.735 or other gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.*
- x. *Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.*
- y. *In the Forest/Mixed Use zone, dog kennels.*
- z. *Mining of less than 1000 cubic yards is permitted.*

2. Residential Uses:

- d. Alteration, restoration or replacement of a lawfully established dwelling. A lawfully established dwelling is a single-family dwelling that:
 - vi. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- e. Photovoltaic Cells for *noncommercial use*. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if
- f. ***Wind energy for non-commercial use shall be allowed if:***
 - i. It is to support the an approved use on the property;*
 - ii. Is not for commercial purposes;*
 - iii. The wind structure must not exceed 35 feet; and*
 - iv. It must comply with the same setback requirements listed in the development standards for the EFU zoning district.*
- g. ***Geothermal and hydro electric may be used to support an approved use if:***
 - v. Is not for commercial purposes;*
 - vi. Other agencies my require permits for the use of hydro electric;*
 - vii. The wind structure must not exceed 35 feet; and*
 - viii. It must comply with the same setback requirements listed in the development standards for the EFU zoning district.*

CHANGES TO SECTION 4.6.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria

1. Non Residential Uses

- f. Home occupations as defined in ~~ORS 215.448~~. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of County, a Forest Management Covenant prior to final County approval.
 - i. Shall be operated by a resident or employee of a resident of the property on which the business is located;*
 - ii. Shall employ on the site no more than five full-time or part-time persons;*
 - iii. The County shall review a permit allowing a home occupation every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.*
 - iv. Shall not unreasonably interfere with other uses permitted in the zone in which the property is located.*

- v. *No material or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.*
- vi. *Parking requirements shall be complied with for general commercial as described in § 7.5.175.*
- vii. *One (1) or more signs, up to a total of 6 square feet in area, are permitted.*
- viii. *Retail sales shall be limited or accessory to a service.*
- ix. *Prohibited Home Occupations*
 - i. *Retail sale of a product on the premises.*
 - ii. *Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).*

Note: This will bump all language down a letter.

- m. In the Forest/Mixed Use zone, commercial activities in conjunction with farm use.
 - i. *The commercial activity is either exclusively or primarily a customer or supplier of farm products;*
 - ii. *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*
 - iii. *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*
- q. *Parking of up to seven dump trucks and seven trailers.*
- r. *In the forest Mixed Use zone only, farm stands if;*
 - i. *The structures are designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stands.*
 - ii. *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.*

- iii. *As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.*
- iv. *As used in this section, "local agricultural area" includes adjacent counties that border the county in which the farm stand is located.*
- v. *Farm Stand Development Standards*
 - 1) *Must meet vision triangle, parking access, driveway, and parking standards as identified in Chapter VII.*
 - 2) *Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.*
- vi. *In addition, farm stands are subject to the following*
 - 1) *Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;*
 - 2) *Approval shall vest exclusively with the owner of the land at the time of approval. The farm stand shall not be conveyed or otherwise transferred to a subsequent landowner without a new permit.*

1. Land Divisions in the Forest Zone.

The following standards shall govern the development of new lots and parcels in the Forest zone.

- a. Any new lot or parcel shall not be less than 80 acres in size. For land divisions where all resulting parcels are at least 80 acres, an administrative land division is required subject to applicable standards in Articles VI and VII.
- f. **New land divisions less than the parcel size in Subsection a. may be approved for any of the following circumstances:**
 - i. *For the uses listed in Sections 4.6.100.l, p and y, Sections 4.6.110.1.a, b, d and e, and Sections 4.6.120.a, b, d, e, q, and r provided that such uses have been approved pursuant to Section 4.6.130 and the parcel created from the division is the minimum size necessary for the use. For the establishment of a parcel for a dwelling that has existed since before January 1, 1993, subject to the following requirements:*
 - 1) *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*

- 2) *The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:*
 - a) *Meets the minimum land division standards of the zone;*
or
 - b) *Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.*

- 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 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 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 redesignation 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:*
 - i. *Facilitate an exchange of lands involving a governmental agency; or*
 - ii. *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 Section 100.2.d;*
 - 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.*

ii. *A lot or parcel may not be divided under paragraph ii.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.*

iii. *Restrictions*

1) *An applicant for the creation of a parcel pursuant to paragraph ii.2) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk of the county where the property is located. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection ii.*

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.*

iv. *A landowner allowed a land division under Subsection ii 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.*

- b. ~~To allow the establishment of a parcel for a dwelling on land zoned Forest or Forest Mixed Use the following requirements apply: [OR 215.780]~~
- ~~i. A dwelling existed on the parcel prior to June 1, 1995.~~
 - ~~ii. the parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and~~
 - ~~iii. The remaining parcel not containing the dwelling must be greater than or equal to 40 acres or consolidated with another parcel and together the parcels must be greater than or equal to 40 acres.~~
 - ~~iv. The applicant shall provide evidence that a restriction on the remaining parcel not containing the dwelling has been recorded with the Coos County Clerk's office. the restrictions shall be irrevocable and shall allow no dwelling to be sited on the remaining parcel.~~
 - ~~v. Evidence that a "Waiver of Right to Object" forest management covenant ensuring compatibility with neighboring forest uses and practices is recorded at the Coos County Clerk's office.~~

2. Residential Uses:

b. Template Dwelling

- vi. ~~The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures. *A proposed "template" dwelling under this ordinance is not allowed if:*~~
- ~~1) *It is prohibited by or will not comply with the requirements of the acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;*~~
 - ~~2) *Unless it complies with the requirements of Section 4.6.130.6 through 8 Section 4.6.140.8 through 16.*~~
 - ~~3) *Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under d.iii below for the other lots or parcels that make up the tract are met; or*~~
 - ~~4) *If the tract on which the dwelling will be sited includes a dwelling.*~~
- vii. *For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

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

SECTION 4.6.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards for Forest and Forest Mixed Use zone subject to the criteria listed in this section and Sections 4.6.130 and 4.6.140.

1. Non Residential Uses:

- a. Disposal site for solid waste approved by the governing body of a city or the 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.
- i. 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 4.6.130 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.*
 - 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 Public Works Director.*
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 and other nuisance conditions may be enacted by the hearings body to make this compatible with the area.*

b. *State Parks pursuant to OAR 660-034-0035*

c. Private Parks and Campgrounds.

- i. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.
- ii. 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.
- iii. For the purpose of this section a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
- iv. Campsites may be occupied by a tent, travel trailer or recreational vehicle.
- v. Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).
- vi. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- vii. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- viii. A private campground may provide yurts for overnight camping.
 - 1) No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.
 - 2) The yurt shall be located on the ground or on a wood floor with no permanent foundation.

- 3) As used in this rule, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with on plumbing, sewage disposal hook-up or internal cooking appliance.

ix. Landscaping and Design:

- 1) The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park or campground shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings.
- 2) Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- 3) Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.
- 4) Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.
- 5) ***A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protect natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.***

x. Road and parking standards of Chapter VII shall apply.

~~In the Forest/Mixed Use zone, the following uses may be allowed but shall not be approved if within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.~~

- ~~i. Public or private schools, including all buildings essential to the operation of a school.~~
- ~~ii. Churches or cemeteries in conjunction with churches.~~

d. Churches and cemeteries in conjunction with churches in the forest mixed use zones only.

e. Community center, grange or lodge in the forest mixed use only.

- f. Three-mile setback. For uses subject to this subsection:*
- 1) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.*
 - 2) Any enclosed structures or group of enclosed structures described in paragraph (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.*
 - 3) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.*
- g. Storage structures for emergency supplies subject to the following:*
- i. Areas within an urban growth boundary cannot reasonably accommodate the structures.*
 - ii. The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI) or the local jurisdiction.*
 - iii. Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;*
 - iv. The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;*
 - v. The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and*
 - vi. Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.*
- h. Public parks which may include*
- vii. All uses allowed under Statewide Planning Goal 4;*
 - viii. 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:*
 - 1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;*
 - 2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;*
 - 3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;*
 - 4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;*

- 5) *Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;*
 - 6) *Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;*
 - 7) *Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and*
 - 8) *Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.*
- ix. *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).*
- i. *Destination resorts shall be subject to the following:*
- x. *A destination resort may not be permitted on high-value farmland.*
 - xi. *Existing resorts on high-value farmland may be maintained, enhanced, or expanded on the same tract subject to other requirements of law.*
 - xii. *Must be located in an inventoried area or take an exception to Statewide Planning Goal 8.*

- j. In Forest Mixed-use Zones, public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject Subsection i below. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections ii and iii below.
- ~~xii~~-xiii. **Three-mile setback. For uses subject to this subsection:**
- 1) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - 2) Any enclosed structures or group of enclosed structures described in paragraph (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, “tract” means a tract that is in existence as of June 17, 2010.
 - 3) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.
- ~~xiii~~-xiv. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
- 1) The Criteria and Review Standards for Conditional Use Permits Section 4.6.230.1 through 3 are met; and
 - 2) The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and *that was owned by the applicant on January 1, 2009.*
- ~~xiv~~-xv. *Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.*
- k. *Youth camps subject to the following*
- ~~xv~~-xvi. *The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.*
- ~~xvi~~-xvii. *Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.*
- ~~xvii~~-xviii. *An application for a proposed youth camp shall comply with the following:*

- 1) *The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph iv.2) a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.*
- 2) *The planning director may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph 1) above.*
- 3) *Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.*
- 4) *The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.*
- 5) *A campground as described in Section 4.6.120.d shall not be established in conjunction with a youth camp.*
- 6) *A youth camp shall not be allowed in conjunction with an existing golf course.*
- 7) *A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.*

~~xviii~~.xix.

The youth camp shall be located on a lawful parcel that is:

- 1) *Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 40 acres.*
- 2) *Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:*
 - a) *The proposed setback will prevent conflicts with commercial resource management practices;*
 - b) *The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and*
 - c) *The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.*

- 3) *Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.*

~~xix~~.xx. *A youth camp may provide for the following facilities:*

- 1) **Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.**
- 2) **Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.**
- 3) **Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.**
- 4) **Up to three camp activity buildings, not including primary cooking and eating facilities.**
- 5) **Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.**
- 6) **Covered areas that are not fully enclosed.**
- 7) **Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.**
- 8) **An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).**
- 9) **A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.**

~~xx~~.xxi. *A proposed youth camp shall comply with the following fire safety requirements:*

- 1) Meet the standards in Section 4.6.140.8 through 16;
- 2) A fire safety protection plan shall be developed for each youth camp that includes the following:
 - a) Fire prevention measures;
 - b) On site pre-suppression and suppression measures; and
 - c) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
- 3) Except as determined under paragraph 4), a youth camp's on-site fire suppression capability shall at least include:
 - a) A 1000 gallon mobile water supply that can access all areas of the camp;
 - b) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - c) A sufficient number of fire-fighting hand tools; and
 - d) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
- 4) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
- 5) The provisions of paragraph 4) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

~~xxi~~.xxii. *The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

2. Residential Uses:

- a. **160/200 Acre Dwelling** – *A large tract forest dwelling subject to the following conditions:*
 - i. *The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to*

paragraph iii for all tracts that are used to meet the acreage requirements of this subsection.

- ii. A tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.*
- iii. Where one or more lots or parcels are required to meet minimum acreage requirements:*
 - 1) The applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A in OAR Chapter 660 Division 6).*
 - 2) 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.*
- iv. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

- b. Lot of Record Dwelling** A “lot-of-record” single-family dwelling may be allowed as a hearing’s body conditional use if the following criteria are satisfied: ~~OAR 660-006-0027(1)(a),(b),(c),(e)(A), and ORS 215.720(1)(a), (2), (3), 215.705~~

- i. 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 iv:*
 - 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.*
- ii. The tract on which the dwelling will be sited does not include a dwelling;*
- iii. 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.*
- iv. 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.*
- v. The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road*

shall be maintained and either paved or surfaced with rock and shall not be:

- 1) A United States Bureau of Land Management road; or*
 - 2) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.*
- vi. 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*
- vii. 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.*
- viii. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW:

All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

7. Approval of a dwelling shall be subject to the following additional requirements:
 - a. Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.
 - b. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
 - c. *If the lot or parcel is more than 10 acres* 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. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.

- d. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and 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 pursuant to ORS 321.372
- e. *The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

- 7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. ~~The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable.~~ The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.

Note: ORS 215.730(2) a and b

- 8. *The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable that shall comply with the following:*
 - a. ***THE MEANS SELECTED MAY INCLUDE A FIRE SPRINKLING SYSTEM, ONSITE EQUIPMENT AND WATER STORAGE OR OTHER METHODS THAT ARE REASONABLE, GIVEN THE SITE CONDITIONS;***
 - b. *If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. *The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*

- d. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

9. Fire Siting Standards for New Dwellings:

- a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

10. Firebreak:

- a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
- b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
- c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
- ~~d. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained.~~
- ~~e. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.~~
- ~~f. The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR 98-01-002PL)~~
- d. The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

FOREST FORMS (Note these would be available at the counter and on-line but are not required to be included into the ordinance)

1) Declaration of Covenants, Conditions and Restrictions Form

~~Whereas, the undersigned _____
_____ hereinafter referred as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and~~

~~Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027):~~

~~Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:~~

~~It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.~~

~~These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to the covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.~~

~~In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.~~

State of _____)

County _____)

The foregoing instrument was acknowledged before me this _____ day of _____
_____, _____ by _____

Notary Public for Oregon
My commission expires: _____

2) ~~For Consolidations~~

~~Whereas, the undersigned _____, hereinafter referred to as Declarant, is the owner in fee simple of the subject property described in Exhibit "A" attached hereto and incorporated by reference herein. and~~

~~Whereas, Oregon law required that when a "lot of record" dwelling is allowed for a lot or parcel that is contiguous with one or more other lots or parcels under the same ownership comprising a tract, then these contiguous lots and parcels shall be consolidated into a single lot or parcel at the time the dwelling is allowed. and~~

~~Whereas, Declarant desires to consolidate the subject property described in Exhibit "A" in order to effectuate and comply with the requirements of Oregon law and further desires to consent to the execution of this document prepared by the Coos County, Oregon, Planning Department.~~

~~Now, therefore, Declarant hereby declares that all of the property described in Exhibit "A" shall not be sold or conveyed separate and apart from any and all of the property described in Exhibit "A" in its entirety.~~

~~In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.~~

State of _____)
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____.

By _____

Notary Public for _____

My Commission expires: _____

1

EXCLUSIVE FARM USE (EFU)

Purpose and Intent: The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

SECTION 4.6.200 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted outright in the Exclusive Farm Use zone and the Forest/Mixed Use overlays subject to applicable siting and development standards set forth in Sections 4.6.240.

4. Non-Residential Uses

- g. 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. See also § 7.4.100.
- l. *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.*
- m. *Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.*
- n. *Operations for the exploration for minerals as defined by ORS 517.750.*
- o. *Firearms training facility in existence on September 9, 1995.*
- p. *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.*
- q. *Churches are permitted but subject to development to development standards.*

5. Residential Use:

(Replace current language with)

- b. *A lawfully established dwelling may be altered, restored or replaced under ORS 215.213(1)(q) or 215.283(1)(p) if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:*
- i. *The dwelling to be altered, restored or replaced has, or formerly had:*
 - 1) *Intact exterior walls and roof structure;*
 - 2) *Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;*
 - 3) *Interior wiring for interior lights; and*
 - 4) *A heating system; and*
 - ii. *The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time; and*
 - iii. *Notwithstanding paragraph ii above, 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.*
 - iv. *For replacement of a lawfully established dwelling under ORS 215.213(1)(q) or 215.283(1)(p):*
 - 1) *The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:*
 - a) *Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or*
 - b) *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*
 - c) *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.*

- 2) *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.*
- 3) *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 either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.*
- 4) *The county planning director, or the director's designee, shall maintain a record of:*
 - a) *The lots and parcels for which dwellings to be replaced have been removed, demolished or converted; and*
 - b) *The lots and parcels that do not qualify for the siting of a new dwelling under subsection iv of this section, including a copy of the deed restrictions filed under paragraph ii of this subsection.*
- 5) *A replacement dwelling under ORS 215.213(1)(q) or 215.283(1)(p) 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.*
- 6) *The siting standards of paragraph ii of this subsection apply when a dwelling under ORS 215.213(1)(q) or 215.213(1)(p) qualifies for replacement because the dwelling:*
 - a) *Formerly had the features described in paragraph i of this section;*
 - b) *The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years, from that time; and 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 was eliminated by:*
 - i. *The destruction (i.e. by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or*

- ii. *The applicant establishes to the satisfaction of the Planning Department 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 the removal of the dwelling from the tax roll.*
 - c) *Had a permit that expired before January 1, 2014, shall be deemed to be void and effective if, before January 1, 2015, the holder of the permit:*
 - i. *Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and*
 - ii. *Causes to be recorded in the deed records of Coos County a statement that the dwelling to be replaced has been removed demolished or converted.*
 - d) *The replacement dwelling must be sited on the same lot or parcel:*
 - i. *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*
 - ii. *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.*
 - e) *Replacement dwellings that currently have the features described in paragraph i of this subsection and that have been on the tax roll as described in paragraph ii of subsection a may be sited on any part of the same lot or parcel.*
- v. *A replacement dwelling permit that is issued under ORS 215.213(1)(q) or 215.283(1)(p):*
- 1) *Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:*
 - a) *Formerly had the features described in paragraph i of this section; or*
 - b) *Was removed from the tax roll as described in paragraph a.iii of this section;*
 - 2) *Is not subject to the time to act limits of ORS 215.417; and*

- 3) *If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:*
 - a) *Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and*
 - b) *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.*

- e. Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system for *non-commercial use* shall be allowed if:
 - f. *Wind energy for non-commercial use shall be allowed if:*
 - i. *It is to support the an approved use on the property;*
 - ii. *Is not for commercial purposes;*
 - iii. *The wind structure must not exceed 35 feet; and*
 - iv. *It must comply with the same setback requirements listed in the development standards for the EFU zoning district.*
 - g. *Geothermal and hydro electric may be used to support an approved use if:*
 - i. *Is not for commercial purposes;*
 - ii. *Other agencies my require permits for the use of hydro electric;*
 - iii. *The wind structure must not exceed 35 feet; and*
 - iv. *It must comply with the same setback requirements listed in the development standards for the EFU zoning district.*

SECTION 4.6.210 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as administrative conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in and applicable siting and development requirements. *The conditional uses review criteria can be found in § 4.6.230 unless otherwise specified by the ordinance.*

1. Non-Residential Uses

- a. Commercial activities in conjunction with farm use, *including the processing of farm crops into biofuel of farm crops, as defined in ORS 315.141 (Biomass production or collection), if the facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038 (Licensing exemption for certain poultry processors). 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.*

- b. ~~Except on high-value farmland, dog kennels. On high-value farmland, existing dog kennels may be maintained, enhanced, or expanded, subject to other provisions of this ordinance.~~
- c. 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.*
- d. Operations for exploration for minerals as defined by ORS 517.750
- g. *Home occupations as provided in ORS 215.448. A home occupation shall:*
 - i. *Be operated by a resident or employee of a resident of the property on which this business is located.*
 - ii. *Employ on the site no more five full-time or part-time persons at any given time.*
 - iii. *Shall meet the definition of a home occupation as defined in § 2.1.200.*
 - iv. *Not unreasonably interfere with other uses permitted in the zone in which the property is located.*
 - v. No material or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
 - vi. *All off-street parking must be provided on the subject parcel where the home occupation is operated.*
 - 1) *Employees must use an approved off-street parking area.*
 - 2) *Customers visiting the home occupation must use an approved off-street parking area. No more than 5 vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.*
 - vii. *Retail sales shall be limited or accessory to a service.*
 - viii. *Prohibited Home Occupations*
 - 1) *Retail sale of a product on the premises.*
 - 2) *Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).*
- j. *Creating of, restoration of, or enhancement of wetlands.* The removal of high value farmland from agricultural production for the purpose of creating wetlands except within 35 feet of the mean high water mark (extended riparian vegetation area). The applicant must address floodplain requirements.
- k. *A facility for the processing of farm crops or biofuel subject to the following:*

- i. *A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility.*
 - ii. *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.*
 - iii. *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.*
 - iv. *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.*
- l. Agri-tourism and other commercial events or activities subject to the following*
- i. *A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:*
 - 1) *The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;*
 - 2) *The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;*
 - 3) *The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;*
 - 4) *The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;*
 - 5) *The agri-tourism or other commercial event or activity complies with the standards described in 4.6.230;*
 - 6) *The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and*
 - 7) *The agri-tourism or other commercial event or activity complies with conditions established for:*
 - a) *Planned hours of operation;*
 - b) *Access, egress and parking;*
 - c) *A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and*
 - d) *Sanitation and solid waste.*

- ii. *In the alternative to Subsections i the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:*
- 1) *Must be incidental and subordinate to existing farm use on the tract;*
 - 2) *May not, individually, exceed a duration of 72 consecutive hours;*
 - 3) *May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;*
 - 4) *Must comply with the standards described in Section 4.6.230;*
 - 5) *May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and*
 - 6) *Must comply with conditions established for:*
 - a) *The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;*
 - b) *The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;*
 - c) *The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;*
 - d) *Traffic management, including the projected number of vehicles and any anticipated use of public roads; and*
 - e) *Sanitation and solid waste.*
 - f) *Must comply with the requirements of subsection viii.*
 - 7) *A permit authorized by this subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection C, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.*
- iii. *In addition to Subsections i and ii, the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections i and ii if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:*

- 1) *Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;*
 - 2) *Comply with the requirements of ii.3), 4), 5) and 6);*
 - 3) *Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and*
 - 4) *Do not exceed 18 events or activities in a calendar year.*
- iv. *A holder of a permit authorized by a county under Subsection iii must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:*
- 1) *Provide public notice and an opportunity for public comment as part of the review process; and*
 - 2) *Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection iii.*
- v. *Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.*
- vi. *The authorizations provided by section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.*
- vii. *Agri-Tourism and other Commercial Events or Activities Limited Use Permit. Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use only if the standards and criteria in this section are met.*
- 1) *A permit application for an agri-tourism or other commercial event or activity shall include the following:*
 - a) *A description of the type of agri-tourism or commercial events or activity that is proposed, including the number and duration of the event and activity, the anticipated daily attendance and the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.*
 - b) *The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;*

- c) *A traffic management plan that meets the criteria in Subsection (2)(c) below.*
- d) *Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.*

2) Approval Criteria.

- a) *The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.*
- b) *Noise Control appropriate cross-reference to applicable ordinance requirements or:*
 - i. *All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.*
 - ii. *A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.*
- c) **Transportation Management**
 - i. *Adequate traffic control must be provided by the property owner and must include one traffic control person for each [250] persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.*
 - ii. *Adequate off-street parking will be provided pursuant to provisions of Article 7.5 – Parking Standards*
- d) **Health and Safety Compliance**
 - i. *Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.*

- ii. *All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the County Health Department any other applicable federal, state and local laws.*
- iii. *Compliance with the requirements of the [applicable Building Safety Department] shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.*
- m. *State Parks pursuant to OAR 660-034-0035*
- n. *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 zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of 215.246, 215.247, 215.249 and 215.251.*
- o. *Parking of up to seven log trucks.*

2. Residential Uses on lands with existing dwellings.

- b. Residential home or facility as defined in ORS 197.660, in existing dwellings. *The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*
- c. Room and board arrangements for a maximum of five unrelated persons in existing dwellings. *The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*
- d. Replacement dwelling to be used in conjunction with farm use, if the existing dwelling has been listed in the County inventory as historic property as defined in ORS 358.480. The historic dwelling shall be listed on the National Register of Historic Places. *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.*

e. Farm Help Relative Dwelling on property used for farm use may be allowed when it is:

v. *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.*

3. **Establishing Dwellings on Non-High Value EFU lands.**

a. LOT OF RECORD DWELLING on land **not** identified as high value farm land may be allowed if:

x. *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.*

xi. *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'*

b. **LOT OF RECORD DWELLING IN CONJUNCTION WITH A DAIRY.** *A single family dwelling may be allowed on a tract used in conjunction with a dairy operation on January 1, 1993, and not composed predominately of a combination of soils 37C, 40, and 12 if:*

i. *Prior to January 1, 1985, the lot or parcel on which the dwelling will be sited was lawfully created, acquired by the present owner or inherited from a person who acquired the lot or parcel prior to January 1, 1985.*

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

iii. *The tract on which the dwelling will be sited does not include a dwelling. "Tract" means one or more contiguous lots or parcels in the same ownership.*

iv. *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 zoning approval for the dwelling is granted. The applicant shall provide evidence that the covenants, conditions, and restrictions form has been recorded with the deed records of the County.*

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

- vi. *The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;*
 - vii. *The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and*
 - viii. *The Oregon Department of Agriculture has approved the following:*
 - 1) *A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and*
 - 2) *A Producer License for the sale of dairy products under ORS 621.072.*
 - ix. *A lot, parcel, or tract cannot have been reconfigured after November 4, 1993, the effect of which is to qualify for the siting of a dwelling. "Reconfiguration" means any change in the boundary of the lot, parcel, or tract. The date of the reconfiguration is the new date of creation.*
 - x. *The tract must be 21 acres or less in size.*
 - 1) *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*
 - 2) *The tract 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.*
- c. 160 ACRE DWELLING in conjunction with farm use may be allowed subject to the following requirements:
- iv. *Except for an accessory farm dwelling, there are no other dwellings on the subject tract. "Tract" means one or more contiguous lots or parcels in the same ownership.*
- d. MEDIAN SIZE DWELLING may be considered customarily provided in conjunction with farm use if:
- iii. *The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in i above*
 - iv. *The subject parcel on which the dwelling is proposed is at least 10 acres in size.*
 - v. *Except for an additional farm dwelling, there are no other dwellings on the subject tract. "Tract" means one or more contiguous lots or parcels in the same ownership.*
 - vi. *The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and*

- vii. *If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subparagraph iii above.*
 - viii. *In order to identify the commercial farm or ranch tracts to be used in subparagraph i, the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c) and OAR 660-033-0135(2)(b).*
 - ix. *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*
 - x. *In determining the gross income required by paragraph viii:*
 - 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.*
- e. INCOME DWELLING may be considered customarily provided in conjunction with farm use if:
- i. **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**
 - ii. **Except for an accessory farm dwelling, there are no other dwellings on land designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation.**

- iii. **The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in i, above.**
- iv. **In determining the gross income required by paragraph i:**
 - 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.**
- v. **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.**
- vi. **Prior to the final approval for a dwelling authorized by Subsection d, 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.**
- vii. **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;**
- viii. **Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;**
- ix. **The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section;**

- x. **The planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.**
 - f. **ADDITIONAL FARM HELP DWELLING** may be considered customarily provided in conjunction with farm use if:
 - vii. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
4. **Establishing Dwellings on High Value EFU Lands.** High Value Farmland is land composed predominately of soils 2C, 5A, 5B, 17B, 25, 33, and 36C.
- a. **LOT OF RECORD DWELLING.** A single family dwelling may be allowed if:
 - ix. ~~The lot or parcel on which the dwelling will be sited in not high-value farmland.~~ *Notwithstanding the requirements of subsection 4.6.210.4.a.x below a single-family dwelling may be sited on high-value farmland if:*
 - 1) *The requirements set forth in subsections i through viii are met*
 - 2) *The lot or parcel is protected as high-value farmland as defined in OAR 660.033.0020(8)(a).*
 - 3) *The Planning Director of a county determines that:*
 - a) *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.*
 - i. *For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot of parcel cannot be practicably managed for farm use.*

ii. *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.*

iii. *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;*

iv. *The dwelling will comply with the provisions of 4.6.*

~~*The dwelling will comply with the provisions of ORS 215.296(1), and*~~

v. *The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in paragraph 4.6.220.2.a.1).*

x. *Notwithstanding the requirements of subsection 4.6.210.4.a.ix, a single-family dwelling may be sited on high-value farmland if:*

1) *The requirements set forth in subsections i through viii are met*

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

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

b) *Not high-value farmland defined in OAR 660.033.0020(8)(a) and*

c) *Twenty-one acres or less in size; and*

3) *The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or*

- 4) *The tract is not a 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*
 - 5) *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:*
 - a) *“Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.*
 - b) *“Geographic center of the 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.*
- x. *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.*
- xii. *The county shall provide notice of all applications for ownership of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.*
- ~~xiii.~~ *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.*

- b. LOT OF RECORD DWELLING IN CONJUNCTION WITH A DAIRY. A single family dwelling may be allowed on a tract used in conjunction with a dairy operation on January 1, 1993, and not composed predominately of a combination of soils 37C, 40, and 12 if:
- i. Prior to January 1, 1985, the lot or parcel on which the dwelling will be sited was lawfully created, acquired by the present owner or inherited from a person who acquired the lot or parcel prior to January 1, 1985.
 - ii. For the purposes of this section, "owner" includes wife, husband, son, daughter, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one of a combination of these family members.
 - iii. The tract on which the dwelling will be sited does not include a dwelling. "Tract" means one or more contiguous lots or parcels in the same ownership.
 - iv. 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 zoning approval for the dwelling is granted. The applicant shall provide evidence that the covenants, conditions, and restrictions form has been recorded with the deed records of the County.
 - v. *Except for an additional farm dwelling, there is no other dwelling on the subject tract.*
 - vi. *The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;*
 - vii. *The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and*
 - viii. *The Oregon Department of Agriculture has approved the following:*
 - 1) *A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and*
 - 2) *A Producer License for the sale of dairy products under ORS 621.072.*

iv.ix. A lot, parcel, or tract cannot have been reconfigured after November 4, 1993, the effect of which is to qualify for the siting of a dwelling. "Reconfiguration" means any change in the boundary of the lot, parcel, or tract. The date of the reconfiguration is the new date of creation.

v.x. The tract must be 21 acres or less in size.

- 1) 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
- 2) The tract 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.

xi. ***The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three out of the last five years or in an average of three of the five years.***

xii. **In determining the gross income required by paragraph xi:**

- 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.***

c. INCOME DWELLING may be considered customarily provided in conjunction with farm use if:

- i. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three out of the last five years. ~~In determining the gross income required, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. [\$80,000 standard is pursuant to OAR 660-33-135(6)]~~

- ii. *Except for an accessory farm dwelling, ~~There~~ there are no other dwellings on the subject tract; and lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation.*
- iii. *The dwelling will be occupied by a person or persons who produce the commodities which grossed the income in “i” above.*
- iv. ***In determining the gross income required by paragraph i:***
 - 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.*
- v. *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.*
- vi. *Prior to the final approval for a dwelling authorized by Subsection d, 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.*
- vii. *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;*

- viii. *Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;*
 - ix. *The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section;*
 - iii.x. *The planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.*
- d. **ADDITIONAL FARM HELP DWELLING.** This may be considered customarily provided in conjunction with farm use if:
- iv. *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.*
- e. **Relocated Farm Operations.** A dwelling may be considered customarily provided in conjunction with farm use if:
- i. *Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$80,000 in gross farm income in each of the last five years or four of the last seven years.*
 - 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.*
 - ii. *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 \$80,000 in gross farm income.*
 - 2) *At least the size of the applicable minimum lot size under Section 210.5.a;*
- iii. *Except for an accessory farm dwelling, there is no other dwelling on the subject tract;*
 - iv. *The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph i; and*
 - v. *In determining the gross income required by paragraph i and subparagraph ii.1):*
 - 1) *The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and*
 - 1)2) *Only gross income from land owned, not leased or rented, shall be counted.*

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

- i. *Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned \$80,000 in gross farm income in each of the last five years or four of the last seven years.*
 - 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.*
- ii. *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 \$80,000 in gross farm income.*
 - 2) *At least the size of the applicable minimum lot size under Section 210.5.a;*
- iii. *Except for an accessory farm dwelling, there is no other dwelling on the subject tract;*
- iv. *The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph i; and*
- v. *In determining the gross income required by paragraph i and subparagraph ii.1):*

- 1) *The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and*
- 2) *Only gross income from land owned, not leased or rented, shall be counted.*

5. Land Divisions in the EFU zone shall contain at least 80 acres unless one of the exceptions listed below apply. A conditional use addressing the applicable provisions of Chapters VI & VII is required for all land divisions.

- c. *A division of land to create up to two new parcels smaller than the minimum size established under Subsection a, each to contain a dwelling not provided in conjunction with farm use, may be permitted if:*
 - i. *The nonfarm dwellings have been approved under Section 4.6.220.2.a;*
 - ii. *The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;*
 - iii. *The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection a;*
 - iv. *The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection a; and*
 - v. *The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.*
- 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:*
 - i. *The nonfarm dwellings have been approved under Section 4.6.220.2.a;*
 - ii. *The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;*
 - iii. *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;*
 - iv. *The parcels for the nonfarm dwellings are:*

- v. *Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and*
 - vi. *Composed of at least 90 percent Class VI through VIII soils;*
 - vii. *The parcels for the nonfarm dwellings do not have established water rights for irrigation; and*
 - viii. *The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.*
- e. *Notwithstanding subsections a through d, the following exceptions apply to land divisions within the EFU zone.*
- i. ~~*ESTABLISH A PARCEL FOR A DWELLING: To allow the establishment of a parcel for a dwelling on land zoned EFU, the following requirements apply (ORS 215.780):*~~
 - 1) ~~*A dwelling existed on the parcel prior to June 1, 1995.*~~
 - 2) ~~*The parcel established shall not be larger than 5 acres except as necessary to recognize physical factors such as roads or streams, in which the parcel shall be no larger than 10 acres.*~~
 - 3) ~~*The applicant shall provide evidence that a restriction on the remaining parcel not containing the dwelling has been recorded with the Coos County Clerk's office. The restriction shall be irrevocable and shall allow no dwelling to be sited on the remaining parcel.*~~
 - 4) ~~*The owner of any parcel not containing a dwelling shall sign and record in the deed records of Coos 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 03.937 (ORS 215.265), and*~~
 - 5) ~~*All land divisions must meet the applicable standards of Articles VI and VII of the Coos County Zoning and Land Development Ordinance (OR-00-05-014PL).*~~

- ii. **CEMETERIES:** *The minimum lot size of 80 acres shall not apply to the creation of cemetery lots if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.*
- iii. **HOUSES OF WORSHIP:** *The minimum lot size of 80 acres shall not apply to the creation of a parcel for a House of Worship if the following requirements are met:*
 - 1) *The land division is for the establishment of a house of worship, including cemeteries in conjunction with the house of worship.*
 - 2) *The house of worship has been approved by the County.*
 - 3) *The newly created lot is not more than 5 acres.*
 - 4) *The remaining parcel, not containing the house of worship, meets the minimum lot or parcel size of 80 acres, either by itself or after it is consolidated with another lot or parcel.*
- vi. *A land division may be allowed, subject to the approval of the County governing body, to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.*
- vii. *Fire Service Facilities purposes: A land division may be allowed for the purpose of allowing a provider of rural fire protection services if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.*
- f. *The governing body of a County may not approve a division of land for nonfarm use under subsections a. b. and c.i through v, unless any additional tax imposed for the change in use has been paid.*
- g. *This section does not allow division of a lot or parcel described in 4.6.210.2.a, or e, or 4.6.220.2.a*
- h. *This section does not allow division of a lot or parcel that separates a processing facility from the farm operation specified in Section 4.6.210.1.1*
- i. *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.*

SECTION 4.6.220 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards in the "Exclusive Farm Use" zone

and "Mixed Use" overlay subject to the applicable requirements in Section 4.6.230 and applicable siting and development requirements in Sections 4.6.240

6. Non-Residential Uses

b. Winery-as described in ORS 215.452

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

1) Less than 50,000 gallons and the winery:

- a) Owns an on-site vineyard of at least 15 acres;*
- b) Owns a contiguous vineyard of at least 15 acres;*
- c) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or*
- d) Obtains grapes from any combination of subparagraph a), b) or c); or*

2) At least 50,000 gallons and the winery:

- a) Owns an on-site vineyard of at least 40 acres;*
- b) Owns a contiguous vineyard of at least 40 acres;*
- c) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;*
- d) Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or*
- e) Obtains grapes from any combination of subparagraph a), b), c) or d).*

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

- 1) Market and sell wine produced in conjunction with the winery.*
- 2) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:*

- a) *Wine tastings in a tasting room or other location on the premises occupied by the winery;*
 - b) *Wine club activities;*
 - c) *Winemaker luncheons and dinners;*
 - d) *Winery and vineyard tours;*
 - e) *Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;*
 - f) *Winery staff activities;*
 - g) *Open house promotions of wine produced in conjunction with the winery; and*
 - h) *Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.*
- 3) *Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:*
- a) *Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or*
 - b) *Served in conjunction with an activity authorized by paragraph ii.2), 4) or 5).*
- 4) *Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to Subsections v.*
- 5) *Host charitable activities for which the winery does not charge a facility rental fee.*
- iii. *A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection ii.3). Food and beverage services authorized under Subsection ii.3) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.*

- iv. *The gross income of the winery from the sale of incidental items or services provided pursuant to Subsection ii.3) to 5) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.*
- v. *A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by Subsection 4.6.210.1.n.i through iv.*
- vi. *A winery operating under this section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.*
- vii. *Prior to the issuance of a permit to establish a winery under Subsection i, the applicant shall show that vineyards described in Subsection i have been planted or that the contract has been executed, as applicable.*
- viii. *Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:*
 - 1) *Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and*
 - 2) *Provision of direct road access and internal circulation.*
- ix. *In addition to a winery permitted in Subsections i to vii, a winery may be established if:*
 - 1) *The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;*
 - 2) *The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in paragraph ix.1); and*

- 3) *The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this subsection.*
- x. *In addition to producing and distributing wine, a winery described in Subsection ix may:*
- 1) *Market and sell wine produced in conjunction with the winery;*
 - 2) *Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:*
 - a) *Wine tastings in a tasting room or other location on the premises occupied by the winery;*
 - b) *Wine club activities;*
 - c) *Winemaker luncheons and dinners;*
 - d) *Winery and vineyard tours;*
 - e) *Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;*
 - f) *Winery staff activities;*
 - g) *Open house promotions of wine produced in conjunction with the winery; and*
 - h) *Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;*
 - 3) *Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:*
 - a) *Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or*
 - b) *Served in conjunction with an activity authorized by paragraph x.2) b), d), or e).*

- 4) *Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:*
 - a) *Are directly related to the sale or promotion of wine produced in conjunction with the winery;*
 - b) *Are incidental to the retail sale of wine on-site; and*
 - c) *Are limited to 25 days or fewer in a calendar year; and*
 - d) *Host charitable activities for which the winery does not charge a facility rental fee.*

xi. Income Standards

- 1) *The gross income of the winery from the sale of incidental items pursuant to paragraph x.3) and services provided pursuant to paragraph x.4) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.*
- 2) *At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant, that certifies compliance with paragraph 1) for the previous tax year.*

xii. A winery permitted under Subsection ix:

- 1) *Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.*
- 2) *May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.*

xiii. Permit Standards

- 1) *A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection x.4) occurring on more than 25 days in a calendar year.*
- 2) *In addition to any other requirements, a local government may approve a permit application under this subsection if the local government finds that the authorized activity:*

- a) *Complies with the standards described in Subsections 4.6.230.1 through 3*
 - b) *Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and*
 - c) *Does not materially alter the stability of the land use pattern in the area.*
- 3) *If the local government issues a permit under this subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.*
- xiv. *A person may not have a substantial ownership interest in more than one winery permitted under Subsection ix operating a restaurant.*
- xv. *Prior to the issuance of a permit to establish a winery under Subsection ix, the applicant shall show that vineyards described in Subsection ix have been planted.*
- xvi. *A winery operating under Subsection ix shall provide for:*
 - 1) *Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and*
 - 2) *Direct road access and internal circulation.*
- xvii. *A winery operating under Subsection ix may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.*
- xviii. *As used in this section:*
 - 1) *“Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.*
 - 1)2) *“On-site retail sale” includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.*
- e. Solid Waste Disposal

- i. Except on high-value farmland, a site for the disposal of solid waste that has been order to be established by the Environmental Quality Commission under ORS 495.049, together with the equipment, facilities or buildings necessary for its operation. On high-value farmland, existing facilities may be maintained, enhanced, or expanded subject to other requirements of law.
- ii. Except on high-value farmland, a site for the disposal of solid waste approved by the governing body of a city, county, or both, and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with the equipment, facilities or buildings necessary for its operation. On high value farmland, existing faculties may be maintained, enhanced, or expanded subject to other requirements of law.
- iii. *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 4.6.230.1 through 3 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.*

- 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 Public Works Director.*
 - 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.*
- g. *Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to the following.*
- 1) *For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.*
 - a) *Temporary workforce housing described in Subsection f.ii.3 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.*

- b) Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.*
- 2) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:*
 - a) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:*
 - i. Technical and engineering feasibility;*
 - ii. Availability of existing rights of way; and*
 - iii. The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under subparagraph b);*
 - b) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;*
 - c) Costs associated with any of the factors listed in subparagraph a) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;*

- d) *The owner of a wind power generation facility approved under paragraph 2) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and*
 - e) *The criteria of paragraph 3) are satisfied.*
- 3) *For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:*
- a) *The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;*
 - b) *The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;*

- c) *Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and*
 - d) *Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.*
- 4) *For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of subparagraph 3) d) are satisfied.*
 - 5) *In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in paragraphs 3) and 4), the approval criteria of paragraph 3) shall apply to the entire project.*
- h. *Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to the following.*
- 1) *“Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.*
 - 2) *“Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.*
 - 3) *“Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.*

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

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

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

- a) *The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;*
- b) *The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;*
- c) *Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;*
- d) *Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;*
- e) *The project is not located on high-value farmland soils unless it can be demonstrated that:*

- i. *Non high-value farmland soils are not available on the subject tract;*
 - ii. *Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
 - iii. *The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and*
- f) *A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:*
- i. *If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.*
 - ii. *When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

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

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

i. Nonarable soils are not available on the subject tract;

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

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

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

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

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

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

d) The requirements of subparagraphs 6) a), b), c) and d) are satisfied.

8) For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 150 acres from use as a commercial agricultural enterprise in one ownership unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:

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

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

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

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

- c) *No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;*
- d) *The requirements of subparagraph 6) d) are satisfied;*
- e) *If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and*

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

g) The provisions of paragraph f) are repealed on January 1, 2022.

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

1)10) Nothing in this section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

f.i. Parks and Campgrounds

- i. On non-high value farm land private parks, playgrounds, hunting and fishing preserves, and campgrounds. The definition campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes.
 - 1) Campgrounds authorized by this rule shall not include intensively developed recreational uses, such as swimming pools, tennis courts, retail stores, or gas stations.
 - 2) A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle.
 - 3) A private campground may provide yurts for overnight camping; however, no more than one-third (1/3) or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or a wooden floor with no permanent foundation. As used here, a “yurt” means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup, or internal cooking appliance.
 - 4) Except on a lot or parcel contiguous to a lake or reservoir, a private campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.
- 5) Landscaping and Design
 - a) The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park or campground shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;
 - b) Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
 - c) Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.

- d) Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

6) Expansion of parks and campgrounds are subject to this review.

- ii. On high value farmland, existing facilities may be maintained, enhanced, or expanded, subject to Section 4.6.220(g)(i).
- iii. Governmental: Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. (OR-00-05-014PL)

1) 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.

- k. Golf Course. Except on high value farmland, a golf course means an area of land with highly maintained natural turf laid out for the game of golf with a series of ~~none~~-nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course for the purposes of ORS 215.283(2)(e) and this section means a nine or eighteen hole regulation golf course or a combination nine and eighteen hole regulation golf course consistent with the following:

- i. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
- ii. A regulation 9 hole golf course is general characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

- iii. Non-regulation golf courses are not allowed uses within these areas. A non-regulation golf course means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf course, par 3 golf courses, pitch and putt golf courses, miniature gold courses, and driving ranges.
- iv. 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 shops, a practice or beginners course as a part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, weight rooms, wholesale or retail operations oriented to the non-golfing public; or housing.
- v. *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*
- vi. *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.*
- vii. *Three-mile setback. For uses subject to this subsection:*
 - 1) *No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.*

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

4)3) *Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.*

1. A site for the takeoff and landing of model aircraft, including such building or facilities as may be reasonably necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed this use. The site shall not include an aggregate surface or hard surface area, unless this area pre-existed this use. *An owner of property used for the purpose authorized in this section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.* "Model Aircraft" means a small scale version of an airplane, glider, helicopter, dirigible, balloon, portable unmanned aerial vehicle that is used or intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.
- o. A living history museum related to resource based activities, owned and operated by a local governmental agency or a local historical society, together with 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 an exclusive farm 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 (UGB). Living History museum means a facility designed to depict and interpret everyday life and culture of some specific historic period, using authentic buildings, tools, equipment and people to simulate past activities and events. "Local Historical Society" means the local historical society recognized by the County governing body and organized under ORS Chapter 65 (OR-00-05-015PL).

i. Three-mile setback. For uses subject to this subsection:

- 1) *No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.*
 - 2) *Any enclosed structures or group of enclosed structures described in paragraph 1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.*
 - 4)3) *Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.*
- p. *Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject Subsection i below. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections ii and iii below.*
- i. *This use is not permitted on high value farmland except that existing facilities on high value farmland may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law.*
 - ii. *Three-mile setback. For uses subject to this subsection:*
 - 1) *No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.*
 - 2) *Any enclosed structures or group of enclosed structures described in paragraph (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.*

- 3) *Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.*
- iii. *Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:*
 - 1) *The Criteria and Review Standards for Conditional Use Permits Section 4.6.230.1 through 3 are met; and*
 - 2) *The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.*
- iv. *Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.*
- ~~m. Public or private schools, including all buildings essential to the operation of a school.~~
 - ~~i. Only permitted in the forest mixed use zones.~~
 - ~~ii. Shall not be approved if within 3 miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.~~
- ~~n.g. Cemeteries in conjunction with churches.~~
 - ~~i. This use is not permitted on high value farmland except that existing facilities on high value farmland may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law.~~
 - ~~i. Only permitted in the forest mixed use zones.~~
 - ~~ii. Three-mile setback. For uses subject to this subsection:~~
 - ~~1) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.~~

- 2) *Any enclosed structures or group of enclosed structures described in paragraph (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.*
 - 3) *Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance. Shall not be approved if within 3 miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.*
- t. *Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection 4.6.210.1.m*
- o-u. *Dog training classes or testing trials subject to the following.*
- i. *Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, 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.*
- v. *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.*
- w. *Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.*
- x. *Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to the following*
- i. *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.*

- ii. *Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.*
- iii. *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.*
- iv. *This use is not permitted on high value farmland except that existing facilities on high value farmland may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law.*
- v. *In addition, composting operations and facilities are subject to the following*
 - 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) ~~(2)~~ *Compost operations subject to Section 2.220.f 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.*
- p. *Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.*

- y. *A facility for the processing of poultry subject to the following:*
 - i. *A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility.*
 - ii. *The facility is subject to the requirements of ORS 603.038*
 - iii. *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.*
 - iv. *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.*
 - v. *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.*
- z. *Destination resorts subject to the following:*
 - i. *A destination resort may not be permitted on high-value farmland.*
 - ii. *Existing resorts on high-value farmland may be maintained, enhanced, or expanded on the same tract subject to other requirements of law.*
 - iii. **Must be located in an inventoried area or take an exception to Statewide Planning Goal 8.**

7. Residential Uses:

- b. **Non-Farm Dwellings** A single-family residential dwelling, not provided in conjunction with farm use, may be allowed as a hearing body conditional use in the “Exclusive Farm Use” zone subject to the following requirements and other applicable provisions of this Ordinance:
 - i. ~~A~~ *The dwelling will be sited on a lot or parcel that was created before January 1, 1993, and*
 - ii.i. *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*
 - ii. *The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is:*

- 1) ~~generally~~ *Generally* unsuitable 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.
 - 2) A lot or parcel shall not be considered unsuitable solely because of the size or location if it can be reasonable put to farm or forest use in conjunction with other land.—; *and*
 - 3) A lot or parcel is not general unsuitable simply because it is too small to be farmed profitable by itself. If a lot or parcel can be sold, leased, rented, or otherwise managed as a part of a commercial farm or ranch, it is not generally unsuitable. A lot or parcel is presumed to be suitable if it is composed predominately of Class I-IV soils. Just because a parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.—; *or*
- iii. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If the 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 50 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. ~~and~~
- iv.—The dwelling will not materially alter the stability of the overall land use pattern of the area. ~~The cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. and~~
- iv. *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 in subparagraphs a) through c). 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 subparagraphs a) through c); and*

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

- 2) *Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections i and ii and Subsection 4.6.210.3.a or 4.a, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph; and*

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

~~v. If the creation of a new parcel for the nonfarm dwelling is involved, the county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area. and~~

~~vi. The dwelling complies with such other conditions as considered necessary. and~~

- vii.v. If a single-family dwelling is established on a lot or parcel as a “lot-of-record” dwelling or a dwelling in the forest zone, no additional dwelling may later be sited under this section.
- vi. Coos County shall not grant final approval for a nonfarm dwelling without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at values for farm use under ORS 308.765, 321.352, 321.730, or 321.815 and any additional taxes imposed as a result or disqualification has been paid (OR-00-05-014PL). The owner of a lot or parcel upon which the establishment of a dwelling has been tentatively approved as provided above shall have 60 days after the date of tentative approval of the nonfarm dwelling to request disqualification for special assessment of the lot or parcel from the County Assessor, pay any additional tax imposed, and provide the Planning Department with proof that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment. A lot or parcel that has been disqualified shall not requalify for special assessment unless when combined with another contiguous parcel, it constitutes a qualifying parcel.

SECTION 4.6.240 DEVELOPMENT AND USE STANDARDS

Development Standards All dwellings and structures approved shall be sited in accordance with this section.

1. Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see Section 4.6.210.5.e.i 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]

New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of Section 4.6.210(3), Section 4.6.210.(4)(a) or (b) and Section 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.

4. Structure Height: *Farm-related structures are exempt from height limits unless subject to Airport Overlay zone or Urban Growth Boundary requirements.* No requirements.