

CHAPTER 6 - LAND USE ZONES

ARTICLE 60 - BASIC PROVISIONS

60.010 - PURPOSE

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

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

60.020 - LIST OF BASIC ZONES

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

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

60.030 - LIST OF COMBINING ZONES

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

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

60.040 - APPLICABILITY OF ZONE

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

60.050 - MULTIPLE ZONED PARCELS

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

60.060 - SIMILAR USES

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

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

60.070 - POLICIES AND LEVELS OF SERVICE

[RESERVED FOR FUTURE EXPANSION]

ARTICLE 61 - SUBURBAN RESIDENTIAL ZONE

61.010 - PURPOSE

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

61.020 - PERMITTED USES (TYPE I)

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

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

61.030 - ADMINISTRATIVE PERMIT USES

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

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

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

61.040 - CONDITIONAL USES

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

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

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

SECTION 61.050 - TEMPORARY USES

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

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

61.060 - CRITERIA FOR FARM USE

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

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

61.070 - PROPERTY DEVELOPMENT STANDARDS

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

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

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

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

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

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

3. Area subject to municipal standards if public facilities.

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

B. Lot Size and Shape - See Article 71

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

C. Building Height.

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

D. Vision Clearance (corner lots).

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

ARTICLE 62 - GENERAL COMMERCIAL ZONE

62.010 - PURPOSE

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

62.020 - PERMITTED USES

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

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

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

62.025 - CONDITIONAL USES

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

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

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

62.030 - TEMPORARY USES

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

- A. Temporary roadside stand.

62.035 - USE LIMITATIONS

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

62.040 - PROPERTY DEVELOPMENT STANDARDS

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

A. Minimum Lot Area.

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

B. Lot Size and Shape - See Article 71.

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

1. Front Yard. Minimum 20 feet.

2. Side Yard. Minimum 10 feet.

3. Rear Yard. Minimum 10 feet.

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

D. Stream Setbacks - See Article 72

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

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

G. Parking and Access - See Article 75

ARTICLE 62.1 - GENERAL INDUSTRIAL ZONE

62.110 - PURPOSE

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

62.120 - PERMITTED USES

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

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

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

62.130 - CONDITIONAL USES

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

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

62.140 - TEMPORARY USES

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

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

SECTION 62.145 - USE LIMITATIONS

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

62.150 - PROPERTY DEVELOPMENT STANDARDS

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

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

4. Yard Increases. The minimum setback between a structure and a property line abutting a residential zone or use in a duly platted residential subdivision shall be 50 feet.

- D. Stream Setbacks - See Article 72

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

- F. Signs - See Article 74

- G. Parking and Access - See Article 75

ARTICLE 63 - Reserved for future expansion

ARTICLE 64 - EXCLUSIVE FARM USE ZONE

64.010 - PURPOSE

The purposes of the EFU-80(160) Zone are to preserve agricultural land most appropriate for farm use and to provide beneficial uses of unfarmable land without creating conflicts between suburban expansion and farm use. The uses established by this Zone are authorized by the Oregon Revised Statutes, Chapter 215, and are designated in compliance with the Statewide Planning Goal on Agricultural Land for lands which are potentially productive for farm use.

The Exclusive Farm Use Zone is intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activity. Normal resource management practices shall not be considered a nuisance condition in an Exclusive Farm Use Zone or bordering Zones. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of this Zone should recognize that the intent of the Zone is to protect resource activities and that in the event of a conflict between residential use and resource practices, this Code will be interpreted in favor of the resource practice.

64.020 - OUTRIGHT USES

The following uses shall be allowed outright:

- A. Agriculture, farming, and related farm use including indoor animal husbandry and the boarding and breeding of horses; (no permit)
- B. The propagation or harvesting of a forest product; (no permit)
- C. The creation of, restoration of or enhancement of wetlands.

64.030 - PERMITTED USES

The following uses and their accessory uses shall be permitted using a Type I Review Procedure as specified in Section 22.030, and to the standards set out in Section 64.095 when applicable:

- A. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480;
- B. Alteration, restoration or replacement of an existing lawfully established dwelling that:

1. Has intact exterior walls and roof structure;
 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 3. Has interior wiring for interior lights;
 4. Has a heating system; and
 5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.
 6. If the applicant has requested a deferred replacement permit, the existing dwelling shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred placement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.
- C. A Residential Home in accordance with Section 11.030, in an existing building;
- D. Signs;
- E. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar buildings located:
1. On the same lot or parcel as the principal farm dwelling; or
 2. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory building will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract.
- F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

- G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result;
- H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weight stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- J. Operations for the exploration of minerals.

64.040 - ADMINISTRATIVE PERMIT USES

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

- A. Home Occupation subject to the provisions of Article 92;
- B. The propagation, cultivation, maintenance and harvesting of aquatic species;
- C. Dog kennels;
- D. A facility for the primary processing of forest products:
 - 1. The approval period for the permit shall be one year which is renewable;
 - 2. The facilities are intended to be portable or temporary in nature;
 - 3. The primary processing of forest products means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market;
 - 4. Forest products means timber grown on the parcel of land or contiguous land where the primary processing facility is located.

- E. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- F. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels;
- G. Improvement of public road and highway related facilities such as maintenance yards, weight stations and rest areas, where additional right-of-way is required, but not resulting in the creation of new land parcels;
- H. Construction of additional passing and travel lanes requiring the acquisition of right-of-way, but not resulting in the creation of new land parcels;
- I. Roads, highways and other transportation facilities and improvements not allowed under Sections 64.030, 64.040, and 64.050 may be established subject to:
 - 1. Adoption of an exception to Goal 3 and to any other applicable statewide planning goal with which the facility or improvement does not comply; or
 - 2. Other uses which will be established by OAR subject to Section 64.060.
- J. Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural, or silvicultural production, or for irrigation in connection with a use allowed in the Exclusive Farm Use Zone. This is subject to the issuance of a license, permit or other approval from the Department of Environmental Quality.

SECTION 64.050 - CONDITIONAL USES

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

- A. Winery;
- B. Farm stands, if:
 - 1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock, if the

sales of the incidental items make up no more than 25% of the total annual sales of the farm stand; and

2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
 3. “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. “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.
 4. “Local Agricultural Area” includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.
- C. Commercial activities that are in conjunction with farm uses;
- D. Public or private schools subject to the following criteria:
1. Must be located more than three miles from an Urban Growth Boundary; or
 2. If located within three miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.
- E. Churches, which may include a parsonage and a cemetery in conjunction with the church subject to the following criteria:
1. Must be located more than three miles from an Urban Growth Boundary; or
 2. If located within three miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.
- F. Destination Resort; (Planning Commission Review). See Article 96.
- G. Private parks, playgrounds, hunting and fishing preserves, and campgrounds. Campgrounds must be established on a site or be contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the

campground. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within 3 miles of an Urban Growth Boundary. The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds under this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail store or gas stations.

1. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by this section.
 2. Subject to approval by the Planning Commission, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- H. Public parks, playgrounds, and community centers owned and operated by a governmental agency or a nonprofit community organization;
- I. Golf courses;
- J. Personal use landing strips for airplanes and helicopter pads;
- K. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead;
- L. Operations conducted for mining, crushing, stockpiling, and processing of aggregate into asphalt or portland cement and other mineral resources and other subsurface resources subject to ORS 215.298, including geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted by OAR 660-33.120;
- M. Commercial utility facilities for the purpose of generating power for public use by sale subject to the following criteria:
1. The facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise; or

2. If the facility will preclude more than 20 acres from use as a commercial agricultural enterprise, an exception shall be taken.
- N. Television, microwave and radio communication facilities and transmission towers.
- O. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
- P. A guest ranch in conjunction with an existing and continuing livestock operation, using accepted livestock practices, on the same parcel as the dwelling of the person conducting the operation, under the following conditions:
1. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres, and not identified as high-value farmland as defined in ORS 215.710. The lodge, bunkhouse or cottages cumulatively shall include not less than 4 or more than 10 overnight guest rooms and shall not exceed a total of 12,000 square feet in floor area.
 - a. For each doubling of the initial 160 acres up to 5 additional overnight guest rooms and 2,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.
 2. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch. The cost of meals provided to the guests shall be included as part of the fee to visit or stay at the guest ranch.

64.055 - TEMPORARY USES

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

- A. One manufactured dwelling in conjunction with an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident as provided in ORS 215.283(2)(1).

SECTION 64.060 - REVIEW CRITERIA

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

- A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- C. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm operations and that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

64.070 – DWELLINGS

Single family or manufactured dwellings may be allowed using a Type II Review Procedure as set out in Section 22.040. Dwellings shall meet the standards set out in Section 64.095 when applicable and may be allowed as follows:

- A. Dwellings customarily provided in conjunction with farm use as defined in ORS Chapter 215.203(2) must meet one of the following tests:
 - 1. Test 1 - Minimum Size. A dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The parcel on which the dwelling will be located is at least 160 acres; and
 - b. The subject tract is currently employed for farm use, as defined in ORS 215.203, where the day to day activities on the subject land are principally directed to the farm use of the land; and
 - c. Except as permitted in ORS 215.213 (1)(r) and 215.283 (1)(p) (1999 Edition) there is no other dwelling on the subject tract; and
 - d. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

- e. The parcel is not considered high-value farmland.
2. Test 2 - Production Capability. A dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and
 - b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Section 64.070(A)(2)(a); and
 - c. 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 Section 64.070(A)(2)(a); and
 - d. Notwithstanding Section 64.070(A)(2)(a), the subject lot or parcel on which the dwelling is proposed is not less than 10 acres; and
 - e. Except as permitted in ORS 215.213 (1)(r) and 215.283 (1)(p) (1999 Edition) there is no other dwelling on the subject tract; and
 - f. 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 Section 64.070(A)(2)(c); and
 - g. The parcel is not considered high-value farmland.
 - h. The information utilized in addressing the criteria in Sections 64.070(A)(2)(a) and (b) will be provided in a technical memorandum utilizing formulas detailed in OAR Chapter 660, Division 33. The technical memorandum is incorporated by reference herein and will be appended to this Code as an Appendix.
 3. Test 3 - Actual Income. A dwelling may be considered customarily provided in conjunction with farm use if:

- a. On a tract not defined as high value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years 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; or
- b. On a tract defined as high value farmland, 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 of the last five years; and
- c. Except as permitted in ORS 215.213 (1)(r) and 215.283 (1)(p) (1999 Edition), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation and
- d. The dwelling will be occupied by the person or persons who produced the commodities which grossed the income in Section 64.070(A)(3)(a) or (b); and
- e. In determining the gross income required by Section 64.070(A)(3)(a) or (b), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation; and
- f. Gross Farm Income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and
- g. An owner of tracts of land which are not contiguous, but are in the same or adjacent county(s) and which are zoned for farm use, may use the gross income generated on this parcels to meet the gross income requirements:

- (1) The owner who qualifies under this provision shall submit proof of covenants, conditions and restriction for the tracts on a form consistent with OAR 660-033-0135(9)(a); and
 - (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 is located; and
 - (3) 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.
- B. An additional dwelling may be located on the same lot or parcel as the dwelling of the farm operator, which will be occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator. The dwelling shall be reviewed against the following criteria:
1. The subject farm or ranch is currently employed for farm use, as defined in ORS 215.203;
 2. The dwelling will be occupied by relatives who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 3. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested farm or ranch dwelling.
- C. One single family residential dwelling not provided in conjunction with commercial farm use, based on findings demonstrating that all of the following criteria are met:
1. The dwelling is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243. If the parcel is under forest assessment, the dwelling must be compatible with forest practices as described in ORS 527.620(6);
 2. The dwelling does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use. If the

parcel is under forest assessment, the dwelling must not seriously interfere with forest practices as described in ORS 527.620(6);

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

4. Demonstrate that the dwelling will be situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract. 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. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed or used for forest management, profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch, or forest operation, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable". A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.
 5. If the application for a non-farm dwelling involves the creation of a new lot or parcel for the non-farm dwelling, the county shall consider whether creation of the parcel will lead to the creation of other non-farm parcels to the detriment of agriculture in the area.
 6. Submit proof that the lot or parcel has been disqualified for special assessment under ORS 388.370 pursuant to the requirement of ORS 215.236;
 7. If a dwelling is established on a lot, parcel or tract, no additional dwelling may be sited on the same lot, parcel or tract;
 8. The dwelling is sited to satisfy the siting standards listed in Section 64.080;
- D. A dwelling may be sited under the following provisions as a limited lot of record: (Type I Review)
1. The lot or parcel must have been lawfully created prior to January 1, 1985; and
 2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after, but may not have been purchased after January 1, 1985; and

- a. For the purposes of this section, “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 owned by any one or combination of these family members (215.705(6)).
3. The lot or parcel shall not have a dwelling on it; and
4. The dwelling cannot be sited on a lot or parcel defined as high-value farmland unless a local Hearings Officer determines that:
 - a. The lot or parcel either alone or in conjunction with other parcels cannot be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity of the lot or parcel; and
 - b. The dwelling meets the criteria set out in ORS and local codes for review of non-farm uses; and
 - c. The dwelling will not materially alter the stability of the overall land use pattern in the area.
5. If the lot or parcel is located within a designated big-game habitat combining zone, all density requirements must be met; and
6. The dwelling meets the siting criteria set out in Section 64.080; and
7. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling; and
8. The following definition shall apply when reviewing a dwelling application under this Section:
 - a. **Date of Creation and Existence.** When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

- E. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets the following criteria:
1. The dwelling will be occupied by a person or persons(s) who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
 - a. The accessory dwelling will be located on the same lot or parcel as the primary farm dwelling; or
 - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - c. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or
 - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is a multi-unit residential structure allowed by the applicable state building code or similar types of farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services and Oregon Occupational Safety and Health Division. This farmworker housing shall be removed, demolished or converted to a nonresidential use when the farmworker housing is no longer required; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in 64.070 (E)(7)
 2. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

3. The primary farm dwelling to which the proposed dwelling would be accessory must meet one of the following;
 - a. On land not identified as high value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years 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 the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or
 - b. On land identified as high value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years.
4. The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of OAR 660-33-135, a parcel may be created consistent with the minimum parcel size requirements in OAR 660-33-100.

64.080 - SITING STANDARDS

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

- A. Drawing requirements:

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

B. Siting requirements:

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

64.090 - PARCEL STANDARDS

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

- A. The requirements for a division of land within the Exclusive Farm Zone are:

1. The minimum size of newly created parcel(s) for agricultural uses shall be 80 acres;
 2. A proposed land division shall meet all of the following criteria:
 - a. The parcels are for farm use as defined in ORS Chapter 215.203;
 - b. The division is appropriate for the continuation of the existing commercial agricultural operations within the area;
 - c. Parcels used or to be used for training or stabling facilities shall not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur;
 - d. The land division may not be approved for the purpose of siting a farm dwelling.
- B. A land division may be approved to create up to two new parcels smaller than the minimum size of the Exclusive Farm Use Zone, each to contain a dwelling not provided in conjunction with commercial farm use, if:
1. The nonfarm dwellings meet the criteria for approval in Section 64.070(E).
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum parcel size for the EFU Zone; and
 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will comply with the minimum parcel size for the EFU Zone; and
 5. 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, located and size of 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.

- C. A land division may be allowed to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use if:
1. The nonfarm dwellings meet the criteria for approval in Section 64.070(E).
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size for the Exclusive Farm Use Zone, but equal to or larger than 40 acres; and
 4. The parcels for the nonfarm dwellings are:
 - a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and
 - b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock.
 5. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
 6. 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, located and size of 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.
 7. The following criteria shall be considered when approving a non-farm land division and in establishing the parcel size:
 - a. Preserve the maximum area of the agricultural base of Grant County for farm use;
 - b. Buffer adjoining farm uses from residential encroachment;

- c. Utilize natural features and topography which would otherwise hinder normal farm activities;
 - d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;
 - e. If the proposed parcel is located within the Big Game Combining Zone, Article 69.2, all requirements of that Zone must be met;
 - f. The parcel must be disqualified from farm assessment and the back taxes have been paid.
- E. Historic Gravesites. A parcel which has received special assessment as farmland under ORS 308.370, may be partitioned as a historic gravesite if all of the following criteria are met:
- 1. The new parcel must be less than one acre in size;
 - 2. The site must have been used as a cemetery at any time between 1810 to 1950;
 - 3. The site must contain fewer than 50 marked graves;
 - 4. The site must have been issued a patent before 1900;
 - 5. The site is entitled to a way of necessity for non-motorized conveyance.
- F. The following are the parcel width requirements for all land divisions:
- 1. The minimum parcel width for agricultural and forestry uses shall be 300 feet;
 - 2. The minimum parcel width for a non-farm dwelling shall be 200 feet;
 - 3. The minimum parcel width for all uses, other than agriculture, forestry and single family residences not in conjunction with farm use, shall be that width necessary for the proposed use;
 - 4. A lot or parcel having a width of less than 300 feet at the time of passage of this Code may be occupied by any use permitted in the Exclusive Farm Zone, provided all other laws and Code requirements are met including Lot of Record requirements and setbacks.

64.095 - PROPERTY DEVELOPMENT STANDARDS

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

- A. Lot Size and Shape - See Article 71
- B. Building & Accessory Heights, Setbacks, Yards - See Article 72
- C. Stream Setbacks - See Article 72
- D. Fences, Wall, and Screens - See Article 73
- E. Signs - See Article 74
- F. Parking - See Article 75
- G. Access - See Article 81
- H. Erosion and Sediment Control - See Article 83
- I. Utilities - See Article 85
- J. Solid Waste - See Article 86
- K. Aggregate Mining and Processing - See Article 91
- L. Home Occupations - See Article 92
- M. Archeological Resources - See Article 93
- N. Historic Resources - See Article 94
- O. Hydroelectric Facilities - See Article 95
- P. Destination Resort - See Article 96
- Q. Parks, Playgrounds, and Campgrounds - See Article 98
- R. Flood Hazard Combining Zone - See Article 69.1

- S. Big Game Combining Zone - See Article 69.2
- T. Wild & Scenic Rivers Combining Zone - See Article 69.3
- U. Airport Combining Zone - See Article 69.4
- V. Water Hazard Combining Zone - See Article 69.5
- W. Mineral & Aggregate Combining Zone - See Article 69.11

ARTICLE 65 - PRIMARY FOREST ZONE

65.010 - PURPOSE

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

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

65.020 - OUTRIGHT USES

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvest of forest trees, application of chemicals, and disposal of slash where such uses pertain to commercial forest activity:
 - 1. If the volume of wood exceeds eight commercial truck loads per day, any access road, service road, or unpaved public road, while used for log hauling, shall receive daily dust abatement or shall be treated with an oil surfacing by the operator, for a distance of 500 feet from a surfaced road or highway or residence located on adjoining property;

2. If more than one commercial - log-hauling operation uses the road for log hauling purposes, all operators shall be jointly responsible for dust abatement as previously described.
- B. Agriculture, farming, and related farm use, as defined in ORS 215.203; (no permit or Site Plan Review)
 - C. Uses to conserve soil, air and water quality and watershed management;
 - D. Conservation and management of fish and wildlife resources;
 - E. Temporary on-site structures and physical alterations to the land which are auxiliary to and used during the term of a particular forest operation or practice. Alterations include, but are not limited to those made for the purposes of mineral exploration, mining, gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities:
 1. For the purposes of this subsection, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle. An auxiliary structure is removed when a particular forest practice has concluded.

65.030 - PERMITTED USES

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

- A. Temporary, portable facilities for the primary processing of forest products;
- B. Temporary logging labor camps, or forest labor camps;
- C. Private hunting and fishing operations without any lodging accommodations;
- D. Uninhabitable structures accessory to fish and wildlife enhancement;
- E. Caretaker residences for public parks and public fish hatcheries;
- F. Alteration, restoration or replacement of an existing lawfully established dwelling that:

1. Has intact exterior walls and roof structure;
 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 3. Has interior wiring for interior lights;
 4. Has a heating system; and
 5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.
- G. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electrical distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;
- H. Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.283(1)(k) through (n);
- I. Water intake facilities, canals and distribution lines for farm irrigation and ponds;
- J. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

65.040 - ADMINISTRATIVE PERMIT USES

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

- A. Home Occupations subject to the requirements of Article 92;
- B. Fire stations for rural fire protection;
- C. Cemeteries;

- D. Research natural areas, experimental forests, and facilities for experimental and research activities associated with forest management or utilization. Nurseries for the propagation of forest products, including genetic research and seed processing facilities;
- E. Aids to navigation and aviation;
- F. Television, microwave and radio communication facilities and transmission towers;
- G. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., oil, gas, geothermal) with rights-of-way 50 feet or less in width;
- H. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;
- I. Reservoirs and water impoundments;
- J. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;
- K. Public road and highway projects as described in ORS 215.283(2)(p) through (r) and 215.283(3).

65.050 - CONDITIONAL USES

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

- A. Permanent facility for the primary processing of forest products;
- B. Permanent logging equipment repair and storage;
- C. Log scaling and weight stations;
- D. Emergency protection facilities, fire towers, fire suppression crew quarters and fire stations for forest fire protection;

- E. Parks and campgrounds. For the purpose of this Article, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Campgrounds must be established on a site or be contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within 3 miles of an Urban Growth Boundary. Campgrounds authorized under this Section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;
1. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hookups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by this section.
 2. Subject to the approval of the Planning Commission, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- F. Private seasonal accommodations for fee hunting or fishing subject to Article 76 in addition to all of the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted;
 3. Fishing accommodations must be located within one-quarter mile of fish bearing Class I waters;
 4. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons, or for the purpose of fishing during the fishing season; as authorized by the Oregon Fish and Wildlife Commission;
 5. A governing body may impose other appropriate conditions.
- G. Firearms training facility;

- H. Destination Resort; (Planning Commission Review). See Article 96.
- I. Expansion of existing airports;
- J. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;
- K. Mining and processing of aggregate and other mineral resources as defined in ORS Chapter 517, or oil, gas, or other subsurface resources as defined in ORS Chapter 520 and not otherwise permitted in Section 65.030;
- L. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;
- M. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation (includes a Solid Waste Transfer Station).

65.055 - TEMPORARY USES

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

- A. One manufactured dwelling in conjunction with an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident.

SECTION 65.060 - REVIEW CRITERIA

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

- A. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

- C. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- D. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and that agricultural and forest uses on lands zoned for resource use have priority over all other land uses.

65.070 - DWELLINGS

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

- A. The Large-Tract Test. A dwelling may be allowed on land zoned for forest use under Goal 4 if:
 - 1. It complies with other provisions relating to forest dwellings; and
 - 2. It is sited on a tract of at least 240 contiguous acres. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.
 - 3. An owner of tracts of land which are not contiguous, but are in the same or an adjacent county(s) and which are zoned for forest use, may add together the acreage of two or more tracts to total 320 acres or more to qualify for a dwelling:
 - a. The owner who qualifies under this provision shall submit proof of covenants, conditions and restriction for the tracts on a form consistent with OAR 660-06-027(6)(a); and
 - b. The covenants, conditions and restrictions are irrevocable unless a statement of release is signed by an authorized representative of the county or counties where the property is located; and
 - c. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development (DLCD) or by the county or counties where the property subject to the covenants, conditions and restrictions is located.

- B. The Template Test. (Type I Review) A dwelling may be allowed on land zoned for forest use under Goal 4 if the parcel is primarily composed of soils which are:
1. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 on the other tracts or parcels.
 2. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 on the other tracts or parcels.
 3. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 are within a 160 acre template centered on the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 on the other tracts or parcels.
 4. Lots or parcels within an Urban Growth Boundary (UGB) shall not be used to satisfy this test.
 5. A proposed dwelling is allowed only when:
 - a. Dwellings have been disqualified by recorded deed restrictions on all other lots or parcels which are part of the same tract as the parcel or lot on which the dwelling is proposed; and
 - b. A dwelling does not already exist on any part of the tract.
 6. Rules for using the template:

- a. If the tract is less than 60 acres and does not abut a road that existed on January 1, 1993, the template will be a 160 acre square;
 - b. If the tract is less than 60 acres and abuts a road that existed on January 1, 1993, the template may be a 160 acre rectangle which is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the greatest extent possible; or
 - c. If the tract 60 acres or larger abuts a road that existed on January 1, 1993, or perennial stream, the template shall be a 160 acre rectangle which is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road or stream to the greatest extent possible; and
 - (1) One of the three dwellings shall be located on the same side of the road or stream as the proposed dwelling; and
 - (2) One of the dwellings shall be within one-quarter mile from the edge of the subject tract inside of the 160 acre template.
- C. The Lot-of-Record Test. A dwelling may be sited under a limited lot of record provision when the following criteria are met: (Type I Review)
1. The lot or parcel must have been lawfully created prior to January 1, 1985; and
 2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after, but shall not have been purchased after January 1, 1985; and
 - a. For the purposes of this section, “owners” 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 owned by any one or combination of these family members
(215.705 (6))
 3. The lot or parcel shall not have a dwelling on it; and

4. The dwelling cannot be prohibited by other requirements of the Comprehensive Plan or Zoning Ordinances and will comply fully with the Plan and Ordinances; and
 5. The lot or parcel complies with the following requirements for the forest zone:
 - a. The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species; and
 - b. The tract is located within 1,500 feet horizontal distance of a public road. The road shall be maintained and either paved or surfaced with rock and shall not be a U.S. Forest Service or BLM 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 U.S. Forest Service and landowners adjacent to the road, a local government or a state agency. (OAR 660-006-0027)
 - c. The parcel meets the minimum stocking requirements under ORS 527.610, verified by the applicant submitting a stocking survey report to the County Assessor who verifies the minimum stocking requirements have been met; and
 6. If the lot or parcel is located within a designated Big-Game Habitat Combining Zone, all density requirements must be met; and
 7. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling;
 8. Only one dwelling is allowed on each tract as that tract existed on November 4, 1993.
- D. The following definitions shall apply when reviewing a dwelling application under Sections 65.070(B) and (C):
1. Cubic Foot per Acre per Year. The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resources Conservation Service (NRCS) soil survey information, USDA Forest Service Plant association guides,

or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and must be approved by the Oregon Department of Forestry.

2. Cubic Foot per Tract per Year. The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resources Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, or other information determined by the State Forester to be of comparable quality. Where such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and must be approved by the Oregon Department of Forestry.
3. Date of Creation and Existence. When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

65.080 - SITING STANDARDS

The placement of dwellings shall be on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location and the size of the parcel. The following shall be required:

A. Drawing requirements:

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

- B. Siting requirements. The dwelling shall be sited to meet all of the following criteria:
1. Have the least impact on nearby or adjoining forest or farm lands;
 2. Ensure that adverse impacts on forest operations and accepted farm practices on the tract will be minimized;
 3. Minimize the amount of forest lands used to site roads, service corridors;
 4. Minimize the risks associated with wild fire;
 5. Meet the siting and fire safety requirements of Article 76.
- C. As a condition of approval, if the road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- D. Approval of a dwelling shall be subject to the following requirements:
1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry (ODF) stocking requirements at the time specified in the ODF administrative rules;
 2. The Planning Department shall notify the County Assessor of the condition at the time the dwelling is approved;
 3. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the ODF rules;
 4. The Assessor shall inform the ODF in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

5. Upon notification by the County Assessor, the ODF shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the ODF determines that the tract does not meet those requirements, then:
 - a. The ODF shall notify the owner and the Assessor that the land is not being managed as forest land; and
 - b. The Assessor shall remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372.

SECTION 65.090 - PARCEL STANDARDS

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

- A. Area: the minimum lot area for forestry or agriculture shall be 80 acres;
- B. The minimum lot size of 80 acres may be reduced for uses authorized as Sections 65.040(B), (C), (D), (E), (F), (H), (I), and 65.050(A), (B), (C), (E), (G), (J), (K), and (M) when it can be demonstrated that:
 1. The proposed division is compatible with forest uses in the area, and does not interfere with forest practices as defined and regulated under ORS 527.610 to 527.730;
 2. The proposed division is consistent with the forest use policy as provided in the Grant County Comprehensive Plan and with ORS 527.630(1);
 3. The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased use of the road or other public facilities and services;
 4. The minimum lot area shall be established in the final action for the Review Body. In establishing the minimum lot area, the following shall be satisfied to the greatest degree possible:
 - a. Preserve the maximum area of the timber base of Grant County for forest use;
 - b. Buffer adjoining forest uses from residential encroachment;

- c. Utilize natural features and topography which would otherwise hinder normal forest activities;
 - d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;
 - e. The lot being created is situated on the portion of the lot that is least suitable for forest uses;
 - f. The parcel is the minimum size necessary for the use.
- 5. The land division must be accompanied by an application for approval of the related non-forest use.
 - 6. A parcel may be allowed for an existing dwelling, provided the dwelling existed prior to June 1, 1995, and 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.
- C. Width:
- 1. Every lot or land parcel shall have a minimum average width appropriate to the size of the parcel divided, but in no case shall a lot be created with a width of less than 300 feet;
 - 2. A vacant lot or land parcel having a width of less than 300 feet of record at the time of the passage of this Code may be occupied by any use permitted in this Section, provided all other laws and Code requirements are met including Lot of Record requirements and setbacks.

65.095 - PROPERTY DEVELOPMENT STANDARDS

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

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

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

- X. Water Hazard Combining Zone - See Article 69.5
- Y. Mineral & Aggregate Combining Zone - See Article 69.11

ARTICLE 66 - MULTIPLE USE RANGE ZONE, MUR-160(320)

66.010 - PURPOSE

The MUR-160(320) Zone is applied to those agricultural and agricultural/low or nonproductive forest lands of the County dominated by and managed primarily for range and grazing uses, and to establish criteria and standards for applicable farm and/or forest uses and related and supportive uses deemed appropriate and necessary.

The MUR Zone is intended to guarantee the right to conduct normal farm practices and to facilitate and encourage resource management activity. Normal resource management practices shall not be considered a nuisance condition in an MUR Zone or bordering Zones. Nothing in this regulation is intended to interfere with normal resource management practices that might result in conditions such as noise, dust or odor. Residents of this Zone should recognize that the intent of the Zone is to protect resource activities and that in the event of a conflict between residential use and resource practices, this Code will be interpreted in favor of the resource practice.

66.020 - OUTRIGHT USES

The following uses shall be allowed outright:

- A. Agriculture, farming, and related farm use including indoor animal husbandry and the boarding and breeding of horses; (no permit)
- B. The propagation or harvesting of a forest product; (no permit)
- C. The creation of, restoration of, or enhancement of wetlands.

66.030 - PERMITTED USES

The following uses and their accessory uses shall be permitted using a Type I Review Procedure as specified in Section 22.030, and to the standards set out in Section 66.095 when applicable:

- A. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480;
- B. Alteration, restoration or replacement of an existing lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 3. Has interior wiring for interior lights;
 4. Has a heating system; and
 5. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.
 6. If the applicant has requested a deferred replacement permit, the existing dwelling shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred placement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.
- C. A Residential Home in accordance with Section 11.030, in an existing building;
- D. Signs;
- E. Accessory buildings, including private garage or carport, guest house, personal use shop, personal storage building, boat landings and docks for personal use or other similar building located:
1. On the same lot or parcel as the principal farm dwelling; or
 2. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory building will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract.
- F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

- G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result;
- H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weight stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- J. Operations for the exploration of minerals.

66.040 - ADMINISTRATIVE PERMIT USES

The following uses and their accessory uses are permitted as an Administrative Permit under Article 43, processed as a Type II Review Procedure under Section 22.040 subject to the criteria set out in Section 66.060, and shall meet the standards set out in Section 66.095 when applicable:

- A. Home Occupation subject to the provisions of Article 92;
- B. The propagation, cultivation, maintenance and harvesting of aquatic species;
- C. Dog kennels;
- D. A facility for the primary processing of forest products
 - 1. The approval period for the permit shall be one year which is renewable;
 - 2. The facilities are intended to be portable or temporary in nature;
 - 3. The primary processing of forest products means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market;
 - 4. Forest products means timber grown on the parcel of land or contiguous land where the primary processing facility is located.

- E. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- F. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels;
- G. Improvement of public road and highway related facilities such as maintenance yards, weight stations and rest areas, where additional right-of-way is required, but not resulting in the creation of new land parcels;
- H. Construction of additional passing and travel lanes requiring the acquisition of right-of-way, but not resulting in the creation of new land parcels;
- I. Roads, highways and other transportation facilities and improvements not allowed under Sections 66.030, 66.040, and 66.050 may be established subject to:
 - 1. Adoption of an exception to Goal 3 and to any other applicable statewide planning goal with which the facility or improvement does not comply; or
 - 2. Other uses which will be established by OAR subject to Section 66.060;
- J. Farm dwellings meeting the criteria of this Ordinance.
- K. Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural, or silvicultural production, or for irrigation in connection with a use allowed in the Multiple Use Range Zone. This is subject to the issuance of a license, permit or other approval from the Department of Environmental Quality.

MUR ZONE, SECTION 66.050 - CONDITIONAL USES

The following uses and their accessory uses are permitted as a Conditional Use subject to the issuance of a Conditional Use Permit as per Article 46 subject to criteria set out in Section 66.060, processed as a Type II Review Procedure under Section 22.040 unless otherwise specified, and shall meet the standards set out in Section 66.095 when applicable:

- A. Winery;
- B. Farm stands, if:

1. The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock, if the sales of the incidental items make up no more than 25% of the total annual sales of the farm stand; and
 2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
 3. “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. “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.
 4. “Local Agricultural Area” includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.
- C. Commercial activities that are in conjunction with farm uses;
- D. Public or private schools subject to the following criteria:
1. Must be located more than three miles from an Urban Growth Boundary; or
 2. If located within three miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.
- E. Churches, which may include a parsonage and a cemetery in conjunction with the church subject to the following criteria:
1. Must be located more than three miles from an Urban Growth Boundary; or
 2. If located within three miles from an Urban Growth Boundary, then an exception to the State Goals must be taken.
- F. Destination Resort; (Planning Commission Review). See Article 96.

- G. Private parks, playgrounds, hunting and fishing preserves, and campgrounds. Campgrounds must be established on a site or be contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within 3 miles of an Urban Growth Boundary. The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds under this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail store or gas stations.
1. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by this section.
 2. Subject to approval by the Planning Commission, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- H. Public parks, playgrounds, and community centers owned and operated by a governmental agency or a nonprofit community organization;
- I. Golf courses;
- J. Personal use landing strips for airplanes and helicopter pads;
- K. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead;
- L. Operations conducted for mining, crushing, stockpiling, and processing of aggregate into asphalt or portland cement and other mineral resources and other subsurface resources subject to ORS 215.298, including geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 not otherwise permitted by OAR 660-33.120;
- M. Commercial utility facilities for the purpose of generating power for public use by sale subject to the following criteria:

1. The facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise; or
 2. If the facility will preclude more than 20 acres from use as a commercial agricultural enterprise, an exception shall be taken.
- N. Television, microwave and radio communication facilities and transmission towers.
- O. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
- P. A guest ranch in conjunction with an existing and continuing livestock operation, using accepted livestock practices, on the same parcel as the dwelling of the person conducting the operation, under the following conditions:
1. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres, and not identified as high-value farmland as defined in ORS 214.710. The lodge, bunkhouse or cottages cumulatively shall include not less than 4 or more than 10 overnight guest rooms and shall not exceed a total of 12,000 square feet in floor area.
 - a. For each doubling of the initial 160 acres up to 5 additional overnight guest rooms and 2,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.
 2. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch. The cost of meals provided to the guests shall be included as part of the fee to visit or stay at the guest ranch.

66.055 - TEMPORARY USES

The following uses and their accessory uses are permitted as a Temporary Use under Article 44, processed using the review procedures specified for the type of Temporary Use in that Article and shall be subject to meet the standards set out in Section 66.095 when applicable:

- A. One manufactured dwelling in conjunction with an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident as provided in ORS 215.283(2)(1).

SECTION 66.060 - REVIEW CRITERIA

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

- A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- C. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm operations and that agricultural and forest uses for lands zoned for resource use have priority over all land uses.

66.070 – DWELLINGS

Single family or manufactured dwelling may be allowed using a Type II Review Procedure as set out in Section 22.040. Dwellings shall meet the standards set out in Section 66.095 when applicable and may be allowed as follows:

- A. Dwellings customarily provided in conjunction with farm use as defined in ORS Chapter 215.203(2) must meet one of the following tests:
 - 1. Test 1 - Minimum Size. A dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The parcel on which the dwelling will be located is at least 320 acres; and
 - b. The subject tract is currently employed for farm use, as defined in ORS 215.203, where the day to day activities on the subject land are principally directed to the farm use of the land; and
 - c. Except as permitted in ORS 215.213 (1)(r) and 215.283 (1)(p) (1999 Edition) there is no other dwelling on the subject tract; and

- d. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - e. The parcel is not considered high-value farmland.
2. Test 2 - Production Capability. A dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and
 - b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Section 66.070(A)(2)(a); and
 - c. 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 Section 66.070(A)(2)(a); and
 - d. Notwithstanding Section 66.070(A)(2)(a), the subject lot or parcel on which the dwelling is proposed is not less than 10 acres; and
 - e. Except as permitted in ORS 215.213 (1)(r) and 215.283 (1)(p) (1999 Edition), there is no other dwelling on the subject tract; and
 - f. 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 Section 66.070(A)(2)(c); and
 - g. The parcel is not considered high-value farmland.
3. Test 3 - Actual Income. A dwelling may be considered customarily provided in conjunction with farm use if:

- a. On a tract not defined as high value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years 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; or
- b. On a tract defined as high value farmland, 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 of the last five years; and
- c. Except as permitted in ORS 215.213 (1)(r) and 215.283 (1)(p) (1999 Edition), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation; and
- d. The dwelling will be occupied by the person or persons who produced the commodities which grossed the income in Section 66.070(A)(3)(a) or (b); and
- e. In determining the gross income required by Section 66.070(A)(3)(a) or (b), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation; and
- f. Gross Farm Income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used; and
- g. An owner of tracts of land which are not contiguous, but are in the same or adjacent county(s) and which are zoned for farm use, may use the gross income generated on this parcels to meet the gross income requirements:

- (1) The owner who qualifies under this provision shall submit proof of covenants, conditions and restriction for the tracts on a form consistent with OAR 660-033-0135(9)(a); and
 - (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 is located; and
 - (3) 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.
- B. An additional dwelling may be located on the same lot or parcel as the dwelling of the farm operator, which will be occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator. The dwelling shall be reviewed against the following criteria:
1. The subject farm or ranch is currently employed for farm use, as defined in ORS 215.203;
 2. The dwelling will be occupied by relatives who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;
 3. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested farm or ranch dwelling; and
 4. Meets the following criteria which define a "commercial agricultural enterprise":
 - a. Will contribute in a substantial way to the area's existing agricultural economy; and
 - b. Will help maintain agricultural processors and established farm markets; and
 - c. The evaluation shall consider not only what is produced, but how much and how it is to be marketed.

- C. One single family residential dwelling not provided in conjunction with commercial farm use, based on findings demonstrating that all of the following criteria are met:
1. The dwelling is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243. If the parcel is under forest assessment, the dwelling must be compatible with forest practices as described in ORS 527.620(6);
 2. The dwelling does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use. If the parcel is under forest assessment, the dwelling must not seriously interfere with forest practices as described in ORS 527.620(6);
 3. Does not materially alter the overall land use patterns in the area. To address this standard the County shall:
 - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area.
 - b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot of record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under ORS 215.263 (4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses

and the land use pattern that could result from approval of the possible non-farm dwellings under this subparagraph.

- c. Determine whether approval of the proposed non-farm/lot of record dwellings, together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
4. Demonstrate that the dwelling will be situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract. 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. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed or used for forest management, profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch, or forest operation, then the lot or parcel or portion of the lot or parcel is not "generally unsuitable". A lot or parcel or portion of a lot or parcel is presumed to be suitable if, in Eastern Oregon, it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.
5. If the application for a non-farm dwelling involves the creation of a new lot or parcel for the non-farm dwelling, the county shall consider whether creation of the parcel will lead to the creation of other non-farm parcels to the detriment of agriculture in the area.
6. Submit proof that the lot or parcel has been disqualified for special assessment under ORS 388.370 pursuant to the requirement of ORS 215.236;
7. If a dwelling is established on a lot, parcel or tract, no additional dwelling may be sited on the same lot, parcel or tract;

8. A written statement consistent with Section 66.060(C) will be recorded with the deed;
 9. The dwelling is sited to satisfy the siting standards listed in Section 66.080;
- D. A dwelling may be sited under the following provisions as a limited lot of record: (Type I Review)
1. The lot or parcel must have been lawfully created prior to January 1, 1985; and
 2. The lot or parcel must have been acquired by the present owner prior to January 1, 1985. It may be inherited after, but may not have been purchased after January 1, 1985; and
- For the purposes of this section, “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 owned by any one or combination of these family members (215.705(6)).
3. The lot or parcel shall not have a dwelling on it; and
 4. The dwelling cannot be prohibited by other requirements of the Comprehensive Plan or Zoning Ordinances and will comply fully with the Plan and Ordinances; and
 5. The dwelling cannot be sited on a lot or parcel defined as high-value farmland unless a local Hearings Officer determines that:
 - a. The lot or parcel either alone or in conjunction with other parcels cannot be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity of the lot or parcel; and
 - b. The dwelling meets the criteria set out in ORS and local codes for review of non-farm uses; and

- c. The dwelling will not materially alter the stability of the overall land use pattern in the area.
 6. If the lot or parcel is located within a designated Big-Game Habitat Combining Zone, all density requirements must be met; and
 7. The dwelling meets the siting criteria set out in Section 66.080; and
 8. When the dwelling is sited on part of the tract, the remaining portions of the tract must be consolidated into a single lot or parcel as a condition of approval of the dwelling.
 9. The following definition shall apply when reviewing a dwelling application under this Section:
 - a. **Date of Creation and Existence.** .When a lot, parcel or tract is reconfigured, pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- E. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets the following criteria:
1. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
 - a. The accessory dwelling will be located on the same lot or parcel as the primary farm dwelling of the principal farm dwelling; or
 - b. On the same tract as the principal primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - c. On a lot or parcel on which the principal primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall

require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or

- d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is a multi-unit residential structure allowed by the applicable state building code or similar types of farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services and Oregon Occupational Safety and Health Division. This farmworker housing shall be removed, demolished or converted to a nonresidential use when the farmworker housing is no longer required; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in 64.070 (E)(7)
2. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
 3. The primary farm dwelling to which the proposed dwelling would be accessory must meet one of the following;
 - a. On land not identified as high value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years 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 the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; or

- b. On land identified as high value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years.
4. The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of OAR 660-33-135, a parcel may be created consistent with the minimum parcel size requirements in OAR 660-33-100.

66.080 - SITING STANDARDS

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

A. Drawing requirements:

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

B. Siting requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; and
2. The placement of dwellings shall be on the least productive, buildable portion of the parcel taking into consideration terrain, adverse soil or land conditions, drainage and flooding, access, vegetation, location and the size of the tract;

- a. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
3. If the parcel is under forest assessment, the dwelling shall be sited upon generally unsuitable land for the production of merchantable tree species recognized under the Forest Practice Rules considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel; and
4. The dwelling will not materially alter the stability of the overall land use pattern of the area; and
5. If the dwelling is established under Sections 66.070(B) or (C), then additional dwellings may not be approved or sited.

SECTION 66.090 - PARCEL STANDARDS

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

- A. The requirements for a division of land within the MUR Zone are:
 1. The minimum size of newly created parcel(s) for agricultural uses shall be 160 acres;
 2. A proposed land division shall meet all of the following criteria:
 - a. The parcels are for farm use as defined in ORS Chapter 215.203;
 - b. The division is appropriate for the continuation of the existing commercial agricultural operations within the area;
 - c. Parcels used or to be used for training or stabling facilities shall not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur;
 - d. The land division may not be approved for the purpose of siting a farm dwelling.

- B. A land division may be approved to create up to two new parcels smaller than the minimum size of the Multiple Use Range Zone, each to contain a dwelling not provided in conjunction with commercial farm use, if:
1. The nonfarm dwellings meet the criteria for approval in Section 66.070(E).
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum parcel size for the MUR Zone; and
 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will comply with the minimum parcel size for the MUR Zone; and
 5. 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, located and size of 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.
- C. A land division may to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use if:
1. The nonfarm dwellings meet the criteria for approval in Section 66.070(E).
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001; and
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size for the Multiple Use Range Zone, but equal to or larger than 40 acres; and
 4. The parcels for the nonfarm dwellings are:
 - a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and

- b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock.
 5. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
 6. 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 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.
 7. The following criteria shall be considered when approving a non-farm land division and in establishing the parcel size:
 - a. Preserve the maximum area of the agricultural base of Grant County for farm use;
 - b. Buffer adjoining farm uses from residential encroachment;
 - c. Utilize natural features and topography which would otherwise hinder normal farm activities;
 - d. Ensure that the proposed division will not materially alter the stability of the land use pattern of the area;
 - e. The parcel being created is situated on the portion of the parent parcel that is least suitable for farm uses;
 - f. If the proposed parcel is located within the Big Game Combining Zone, Article 69.2, all requirements of that Zone must be met;
 - g. The parcel must be disqualified from farm assessment and the back taxes have been paid.
- D. Historic Gravesites. A parcel which has received special assessment as farmland under ORS 308.370, may be partitioned as a historic gravesite if all of the following criteria are met:

1. The new parcel must be less than one acre in size;
 2. The site must have been used as a cemetery at any time between 1810 to 1950;
 3. The site must contain fewer than 50 marked graves;
 4. The site must have been issued a patent before 1900;
 5. The site is entitled to a way of necessity for non-motorized conveyance.
- E. The following are the parcel width requirements for all land divisions:
1. The minimum parcel width for agricultural and forestry uses shall be 300 feet;
 2. The minimum parcel width for a non-farm dwelling shall be 200 feet;
 3. The minimum parcel width for all uses, other than agriculture, forestry and single family residences not in conjunction with farm use, shall be that width necessary for the proposed use;
 4. A lot or parcel having a width of less than 300 feet at the time of passage of this Code may be occupied by any use permitted in the MUR Zone, provided all other laws and Code requirements are met including Lot of Record requirements and setbacks.

SECTION 66.095 - PROPERTY DEVELOPMENT STANDARDS

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

- A. Lot Size and Shape - See Article 71
- B. Building & Accessory Heights, Setbacks, Yards - See Article 72
- C. Stream Setbacks - See Article 72
- D. Fences, Wall, and Screens - See Article 73
- E. Signs - See Article 74

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

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

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

67.010 - PURPOSE

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

67.020 - PERMITTED USES

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

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

67.030 - ADMINISTRATIVE PERMIT USES

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

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

67.040 - CONDITIONAL USES

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

Type II Administrative Review:

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

Planning Commission Review

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

SECTION 67.050 - LIMITATIONS OF USES

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

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

67.060 - DIMENSIONAL REQUIREMENTS

- A. Lot Size. In the RR Zones, the following minimum lot sizes for each respective RR-Zone shall apply:
 - 1. For Residential Use:
 - RR-5 Zone 5 Acres
 - RR-10 Zone. 10 Acres
 - RR-20 Zone. 20 Acres
 - RR-40 Zone. 40 Acres

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

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

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

ARTICLE 68 - RURAL SERVICE CENTER (RSC-1)

68.010 - PURPOSE

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

68.020 - USES PERMITTED OUTRIGHT

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

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

68.030 - ADMINISTRATIVE PERMIT USES

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

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

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

68.040 - CONDITIONAL USES

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

Type II Administrative Review

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

Planning Commission Review:

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

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

68.050 - LIMITATIONS ON USES

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

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

68.060 - DIMENSIONAL REQUIREMENTS

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

ARTICLE 69 - COMBINING ZONE

69.010 - PURPOSE

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

69.020 - APPLICABILITY

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

ARTICLE 69.1 - FLOOD HAZARD COMBINING ZONE

69.110 – PURPOSE

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

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

69.120 - FLOOD HAZARD AREA DEFINED

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

69.130 - INTERPRETING FLOOD MAPS

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

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

69.140 - SITE DESIGN STANDARDS

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

69.150 - GENERAL DEVELOPMENT STANDARDS

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

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

69.160 - FLOODWAY

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

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

69.170 - UNAVAILABLE ELEVATION DATA

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

69.180 - ALTERATION OF WATER COURSES

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

69.190 - VARIANCE APPLICATION

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

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

69.191 - VARIANCE PROCEDURE

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

69.192 - VARIANCE CRITERIA

The following criteria shall be considered before granting a Variance:

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

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

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

69.193 - PROPERTY DEVELOPMENT STANDARDS

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

ARTICLE 69.2 - BIG GAME COMBINING ZONE

69.210 - PURPOSE

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

69.220 - PROPERTY DEVELOPMENT STANDARDS

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

ARTICLE 69.3 - WILD & SCENIC RIVERS COMBINING ZONE

69.310 - PURPOSE

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

69.320 - SITING STANDARDS

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

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

69.330 - PROPERTY DEVELOPMENT STANDARDS

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

ARTICLE 69.4 - AIRPORT COMBINING ZONE

69.405 - PURPOSE

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

69.410 – DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

FAA. The Federal Aviation Administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69.415 - Imaginary Surface and Noise Impact Boundary Definition

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

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

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

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

69.425 - Height Limitations on Allowed Uses in Underlying Zones

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

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

69.430 - Procedures

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

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

69.435 - Land Use Compatibility Requirements

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

- A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

- B. Outdoor Lighting. No new or expanded outdoor lighting shall project directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel and only as approved by the airport sponsor. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

- C. Glare. No glare producing material, including, but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

- D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

- E. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radio telephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

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

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

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

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

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

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

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

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

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

69.450 - Nonconforming Uses

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

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

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

69.455 - Avigation Easement Required

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

ARTICLE 69.5 - WATER HAZARD COMBINING ZONE

RESERVED FOR FUTURE USE

ARTICLE 69.6 - GEOLOGIC HAZARD COMBINING ZONE

69.610 – GEOLOGIC HAZARD COMBINING ZONE (GH).

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

ARTICLE 69.7 - GREENWAY COMBINING ZONE

69.710 – GREENWAY COMBINING ZONE (GW).

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

ARTICLE 69.8 - PLANNED UNIT DEVELOPMENT COMBINING ZONE

69.810 - APPLICABILITY

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

69.820 - PURPOSE

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

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

69.830 - GENERAL STANDARDS AND REQUIREMENTS

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

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

69.840 - PROCEDURE FOR PLANNED UNIT DEVELOPMENT COMBINING ZONE

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

69.850 - PROJECT DENSITY

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

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

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

ARTICLE 69.9 - RURAL INDUSTRIAL DEVELOPMENT COMBINING ZONE (RIDC)

69.910 - PURPOSE

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

69.920 - QUALIFYING CONDITIONS

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

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

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

69.930 - USES PERMITTED IN A RIDC ZONE WITHOUT AN EXCEPTION

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

Type II Administrative Review

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

Planning Commission Review

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

69.940 - DIMENSIONAL STANDARDS

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

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

69.950 - APPLICATION REQUIREMENTS

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

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

ARTICLE 69.10 - SIGNIFICANT RESOURCE COMBINING ZONE (SR)

69.1010 - PURPOSE

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

69.1020 - APPLICATION

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

69.1030 - CONDITIONAL USES

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

69.1040 - REVIEW PROCESS AND PROCEDURES

- A. When a "3A" decision (i.e., to fully protect the resource) has been made for the significant resource site as indicated in the Comprehensive Plan, any application for a conflicting use or activity listed in Section 69.1060 shall be denied unless the applicant can clearly demonstrate that the proposed use or activity will have no significant negative impacts on the resource and findings thereof are established by the County. Findings for this demonstration shall be based, at a minimum, on consultation on with the responsible agency listed in Section 69.1061.

- B. When a "3C" decision (i.e., partial resource protection) has been made for the significant resource site as indicated in the Comprehensive Plan, any application for a conflicting use or activity listed in Section 68.260 shall be reviewed according to the requirements below:
 - 1. The applicant shall submit a map(s) of the location of the resource site(s), and a written description(s) of the resource type(s).

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

69.1050 - REDUCED PRESERVATION REVIEW CRITERIA

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

A. All Significant Resource Sites

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

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

B. Riparian Vegetation

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

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

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

D. Big Game Range Restrictions

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

E. Sensitive Eagle and Heron Habitat

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

69.1060 - LIST OF CONFLICTING USES AND ACTIVITIES

A. Mineral and Aggregate Resources

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

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

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

C. Big Game Habitat

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

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

D. Wetlands

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

E. Riparian Vegetation

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

F. Sensitive Bird Habitat

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

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

69.1061 - RESPONSIBLE AGENCY LIST

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

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

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

69.1062 - HISTORIC BUILDINGS AND SITES

A. Alteration/Demolition Permits

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

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

B. Review Procedure

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

C. Planning Director Action

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

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

D. Criteria

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

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

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

ARTICLE 69.11 - MINERAL & AGGREGATE COMBINING ZONE

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