

SECTION 3.002 FARM ZONE (F-1)

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(1) PURPOSE

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

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

(2) DEFINITIONS

For the purpose of this ordinance, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- (a) ACCEPTED FARMING PRACTICE: A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (b) ACCESSORY STRUCTURE: A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use, and for which the owner files a restrictive covenant in the deed records of the county agreeing that the accessory structure will not be used as a residence or rental unit.
- (c) ASSOCIATED TRANSMISSION LINES: Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
- (d) AGRICULTURAL BUILDING: Any structure that is considered to be an “agricultural building” under the State Building Code (Section 326) that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner (1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and (2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or rental unit.
- (e) AGRI-TOURISM: A common, farm-dependent activity that is incidental and subordinate to a working farm and that promotes successful agriculture and generates supplemental income for the owner. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals. Except for small, farm-themed parties, regularly occurring celebratory gatherings, weddings, parties or similar uses are not Agri-tourism.
- (f) ARABLE LANDS: Lands that are cultivated or suitable for cultivation, including high-value farmland soils.
- (g) BED AND BREAKFAST ENTERPRISE: An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of ORS 333-170-0000(1) A bed and breakfast facility may be

reviewed as either a home occupation in a Farm Zone or Forest Zone or as a room and board operation in a Farm Zone.

- (h) **CAMPGROUND:** An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
- (i) **CONTIGUOUS:** Connected in such a manner as to form a single block of land.
- (j) **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.
- (k) **ENHANCEMENT:** The process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity
- (l) **EVENT, TEMPORARY:** A temporary event is one that has an expected attendance of no more than 3,000 people, that will not continue for more than three consecutive days, and that will be located in a rural or resource area. Temporary Events are permitted through a Type I process and are not considered “outdoor mass gatherings” as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4).
- (m) **FARM OPERATOR:** A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
- (n) **FARM OR RANCH OPERATION:** means all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.
- (o) **FARM USE:** As defined in ORS 215.203. As used in the definition of "farm use" in ORS 215.203 and in this ordinance:
 - 1. “Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and
 - 2. “Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.
- (p) **FEE-BASED ACTIVITY TO PROMOTE THE SALE OF FARM CROPS OR LIVESTOCK (as applied to farm stands):** An agri-tourism activity as defined in

Subsection (2) that is directly related to the sale of farm crops or livestock sold at the farm stand, and that meets the standards of Subsection (4)(g).

- (q) **GOLF COURSE:** An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of this ordinance means a nine or 18 hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:
1. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
 2. A regulation nine hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
 3. Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this Subsection, including but not limited to executive golf courses, Par three golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
- (r) **HEALTH HARDSHIP:** "Health hardship" means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physician's Assistant or Nurse Practitioner).
- (s) **HIGH VALUE FARMLAND:**
1. Land in a tract composed predominantly of soils that are:
 - a. Irrigated and classified prime, unique, Class I or II; or
 - b. Not irrigated and classified prime, unique, Class I or II.
 2. In addition to that land described in paragraph 1, high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa;
 3. In addition to that land described in paragraph 1, high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed

predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in paragraph 1 and the following soils:

- a. Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
- b. Subclassification IIIw, specifically, Brenner and Chitwood;
- c. Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
- d. Subclassification IVw, specifically, Coquille.

4. In addition to that land described in paragraph 1, high-value farmland includes tracts located west of U.S. Highway 101 composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in paragraph 1 and the following soils:

- a. Subclassification IIIw, specifically, Ettersburg Silt Loam and Crofland Silty Clay Loam;
- b. Subclassification IIIe, specifically, Klooqueh Silty Clay Loam and Winchuck Silt Loam; and
- c. Subclassification IVw, specifically, Huffling Silty Clay Loam.

- (t) HOME OCCUPATION: A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.
- (u) IRRIGATED: Watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this ordinance, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.
- (v) LIVING HISTORY MUSEUM: A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- (w) LOT: A single unit of land that is created by a subdivision of land as provided in ORS 92.010.

- (x) MINING, AGGREGATE: For purposes of this Article, “mining” includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. “Mining” does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.
- (y) MITIGATION BANK: “Mitigation Bank has the meaning given that term in ORS 196.600. Mitigation means the reduction of adverse effects of a proposed project by considering, in the following order:
1. Avoiding the effect altogether by not taking a certain action of parts of an action;
 2. Minimizing the effect by limiting the degree or magnitude of the action and its implementation;
 3. Rectifying the effect by repairing, rehabilitating or restoring the affected environment;
 4. Reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures; and
 5. Compensating for the effect by creating, restoring, enhancing or preserving substitute functions and values for the waters of this state.
- (z) NET METERING POWER FACILITY: A facility for the production of energy that:
1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;
 2. Is intended to offset part of the customer-generator’s requirements for energy;
 3. Will operate in parallel with a utility’s existing transmission and distribution facilities;

4. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
 5. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (aa) NON-COMMERCIAL/STAND ALONE POWER GENERATING FACILITY: A facility for the production of energy that:
1. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
 2. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
 3. Operates as a standalone power generator not connected to a utility grid; and
 4. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- (bb) OPEN PLAY FIELD: A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.
- (cc) OUTDOOR MASS GATHERING: A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).
- (dd) PRINCIPALLY ENGAGED IN FARM USE: As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full-time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household need meet the "principally

engaged” test, or the test may be met collectively by more than one household member.

- (ee) PARCEL: A single unit of land that is created by a partition of land and as further defined in ORS 215.010(1).
- (ff) PERSONAL USE AIRPORT: An airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
- (gg) PRIVATE PARK: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks
- (hh) PROCESSED: As it applies to farm stands, processed crops and livestock means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption.
- (ii) PUBLIC PARK: A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance.
- (jj) RECLAMATION: “Reclamation” has the meaning given that term in ORS 517.750. Reclamation means the employment in a surface mining operation or exploration of procedures reasonably designed to:
 - 1. Minimize, as much as practicable, the adverse effects of the surface mining operation or exploration on land, air and water resources; and
 - 2. Provide for the rehabilitation of surface resources adversely affected by the surface mining operations or exploration through the rehabilitation of plant cover, soil stability and water resources and through other measures that contribute to the subsequent beneficial use of the explored, mined or reclaimed lands.
- (kk) RELATIVE: As it applies to relative farm help dwellings and temporary health hardship dwellings, a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin.
- (ll) RESTORATION: The process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the ecological

structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

(mm) SURFACE MINING: "Surface mining" has the meaning given that term in ORS 517.750.

1. Surface mining includes:

- a. All or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than 5,000 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).
- b. Removal or filling, or both, within the beds or banks of any waters of this state that is the subject of a memorandum of agreement between the Department of State Lands and the State Department of Geology and Mineral Industries in which the State Department of Geology and Mineral Industries is assigned sole responsibility for permitting as described in ORS

2. Surface mining does not include:

- a. Excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel that is being excavated;
- b. Excavation or grading operations, reasonably necessary for farming;
- c. Non-surface effects of underground mining;
- d. Removal of rock, gravel, sand, silt or other similar substances removed from the beds or banks of any waters of this state pursuant to a permit issued under ORS 196.800 (Definitions for ORS 196.600 to 196.905) to 196.900 (Schedule of civil penalties); or
- e. Excavations or reprocessing of aggregate material, or grading operations, within the highway right of way reasonably necessary for the construction, reconstruction or maintenance of a highway as defined in ORS 801.305 (Highway).

- (nn) TEMPORARY STRUCTURE OR USE: A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.
 - (oo) TRACT: one or more contiguous lots or parcels under the same ownership.
 - (pp) UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE: Unless otherwise specified in this Article, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities.
 - (qq) WETLANDS: "Wetlands" has the meaning given that term in ORS 196.800. Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
 - (rr) WETLAND RESTORATION, ENHANCEMENT OR CREATION: Wetlands creation, restoration or enhancement projects subject to this ordinance do not include the following:
 1. For purposes related to a mitigation bank;
 2. For reclamation of lands affected by surface mining;
 3. If the wetlands are created, restored or enhanced for the purpose of meeting conditions necessary to comply with a National Pollutant Discharge Elimination System permit or water pollution control facility permit issued by the Department of Environmental Quality pursuant to ORS 468B.050;
 4. For which construction had commenced, or required permits had been issued, prior to January 1, 2017; and
 5. If the creation, restoration or enhancement of the wetlands only involves planting vegetation in a wetland or riparian area.
 - (ss) YURT: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- (3) DEVELOPMENT STANDARDS
- (a) Land divisions and development in the F-1 Zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
 1. Land divisions are subject to Subsection (14).

2. The minimum lot width at the front building line for all uses except farming shall be 100 feet.
3. The minimum lot depth for all uses except farming shall be 100 feet.
4. The minimum front and rear yards shall be 20 feet.
5. The minimum side yard shall be 10 feet where adjacent to land in the F-1 or SFW-20 zones. Otherwise the minimum side yard shall be 20 feet.
6. For accessory structures where there is contiguous ownership of two acres or less, where the yard requirements shall be the same as in the RR zone, and where Section 5.040 (1) (b) shall apply, the minimum rear yard shall be 3 feet.
7. The maximum building height for all nonfarm structures shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.

(4) USE STANDARDS

- (a) A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
- (b) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Subsection (2). Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.
- (c) To qualify for a relative farm help dwelling, a dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
- (d) A temporary health hardship dwelling is subject to the following:

1. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - a. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
 - b. The county shall review the permit authorizing such manufactured homes every two years.
 - c. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
2. A temporary residence approved under this section is not eligible for replacement per Table 1. Department of Environmental Quality review and removal requirements also apply.
3. As used in this section “hardship” means a health hardship or hardship for the care of an aged or infirm person or persons.
4. A temporary health hardship dwelling is subject to the Conditional Use Criteria as described in Subsection (5).

(e) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:

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

(f) A farm stand may be approved if:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock.

2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
3. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
4. As used in this section, "local agricultural area" includes Oregon.
5. Farm Stand Development Standards
 - a. Adequate off-street parking will be provided pursuant to provisions of Section 4.030.
 - b. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - c. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - d. No farm stand building or parking is permitted within the right-of-way.
 - e. Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked.
 - f. A Clear-Vision Area shall be maintained at street intersections pursuant to Section 4.010.
 - g. Signs are permitted consistent with Section 4.020
6. Permit approval is subject to compliance with the County On-Site Sanitation Division, Department of Agriculture requirements, County Public Works requirements and with the development standards of this zone.

(g) A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to Subsection (4)(w).

(h) A home occupation.

1. A home occupation shall:
 - a. Be operated by a resident or employee of a resident of the property on which the business is located;
 - b. Employ on the site no more than five full-time or part-time persons at any given time;
 - c. Shall be operated substantially in:
 - i. The dwelling; or
 - ii. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences;
 - d. Not unreasonably interfere with other uses permitted in the zone in which the property is located.
2. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery and is operated in association with the winery:
 - a. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - b. The meals may be served at the bed and breakfast facility or at the winery.
3. The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.
4. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
5. All off-street parking provided pursuant to Section 4.030 must be provided on the subject parcel where the home occupation is operated.
 - a. Employees must use an approved off-street parking area.
 - b. Customers visiting the home occupation must use an approved off-street parking area. No more than three vehicles from

customers/visitors of the home occupation can be present at any given time on the subject parcel.

6. Signage is subject to the provisions of Section 4.020.
 7. Retail sales shall be limited or accessory to a service.
 8. Home occupations shall be subject to a conditional use permit process, pursuant to Subsection (5), unless all of the requirements of Subsection (9) can be met.
 9. An in-home commercial activity is not considered a home occupation and does not require a land use permit where all of the following criteria can be met. The in-home activity:
 - a. Meets the criteria under paragraphs 1.c and d; 3 and 4.
 - b. Is conducted within a dwelling only by residents of the dwelling.
 - c. Does not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
 - d. Does not serve clients or customers on-site.
 - e. Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage.
 - f. Does not include the outside storage of materials, equipment or products.
- (i) Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
- (j) Mining , crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
1. A land use permit is required for mining more than one thousand (1,000) cubic yards of martial or excavation preparatory to mining of a surface area of more than one (1) acre.
 2. A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the comprehensive plan.

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

- (l) Land Application of Reclaimed or Process Water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in a Farm Zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of 215.246, 215.247, 215.249 and 215.251.

- (m) Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - 1. A public right of way;
 - 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 - 3. The property to be served by the utility.

- (n) A utility facility that is necessary for public service.
 - 1. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:
 - a. Show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - i. Technical and engineering feasibility;
 - ii. The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - iii. Lack of available urban and nonresource lands;
 - iv. Availability of existing rights of way;

- v. Public health and safety; and
 - vi. Other requirements of state and federal agencies.
- b. Costs associated with any of the factors listed in subparagraph a of this paragraph may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- c. The owner of a utility facility approved under paragraph (n)1 shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- d. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- e. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use in Table 1 when project construction is complete. Off-site facilities allowed under this paragraph are subject to Subsection (5) Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
- f. In addition to the provisions of subparagraphs 1.a to d of this paragraph, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
- g. The provisions of subparagraphs 1.a to d of this paragraph do not apply to interstate natural gas pipelines and associated facilities

authorized by and subject to regulation by the Federal Energy Regulatory Commission.

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

- c. As pertains to paragraph 2.b, the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
 - d. The county may consider costs associated with any of the factors listed in subparagraph 2.b, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- (o) Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Table 1.
 - (p) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this section. An owner of property used for the purpose authorized in this section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
 - (q) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.
 - (r) A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services,

only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

(s) Public parks may include:

1. All uses allowed under Statewide Planning Goal 3;
2. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores

not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.

3. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
 - a. Meeting halls not exceeding 2000 square feet of floor area;
 - b. Dining halls (not restaurants).
- (t) Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
1. The Conditional Use Review Criteria in Subsection (5) are met; and
 2. The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot that was owned by the applicant on January 1, 2009.
- (u) Private Campgrounds. Private Campgrounds are subject to the following:
1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
 2. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by paragraph 3.
 3. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
 4. A campground shall be permitted as either a Recreation Campground or a Primitive Campground.

- a. Recreation Campgrounds are also subject to provisions in Section 4.060. Where the standards of this section conflict with the standards of Section 4.060, the more restrictive shall apply.
 - b. Primitive Campgrounds are also subject to the provisions in Section 4.065. Where the standards of this section conflict with the standards of Section 4.065, the more restrictive shall apply.
- (v) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
- 1. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
 - 2. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - 3. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

(w) General Standards

- 1. Three-mile setback. For uses subject to this subsection
 - a. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter

660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

- b. Any enclosed structures or group of enclosed structures described in paragraph 1 within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.
 - c. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.
- 2. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
 - 3. Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Table 1 and Subsection (5).

(5) CONDITIONAL USE REVIEW CRITERIA

An applicant for a use permitted in Table 1 must demonstrate compliance with the following criteria and with the Conditional Use Criteria in Article 6 Subsection 040, or in Article 6 Subsection 060 if the proposed use is for the restoration, enhancement or creation of a wetland as defined in 3.002(2).

- (a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(6) DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

- (a) Large Tract Standards. On land not identified as high-value farmland as defined in Subsection (2), a dwelling may be considered customarily provided in conjunction with farm use if:
 - 1. The parcel on which the dwelling will be located is at least 160 acres.
 - 2. The subject tract is currently employed for farm use.

3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
4. Except for an accessory dwelling, there is no other dwelling on the subject tract.

(b) Farm Capability Standards.

1. On land not identified as high-value farmland as defined in Subsection (2), 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 that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
 - 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 subparagraph a;
 - 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 subparagraph a;
 - d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;
 - e. Except for an accessory dwelling, there is no other dwelling on the subject tract;
 - f. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 - g. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subparagraph (c).
2. In order to identify the commercial farm or ranch tracts to be used in subparagraph 1, the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c).

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

- (d) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
2. Except for an accessory dwelling, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and

3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph 1;
4. In determining the gross income required by paragraph 1:
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - b. Only gross income from land owned, not leased or rented, shall be counted; and
 - c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(e) Additional Farm Income Standards.

1. For the purpose of Subsections (c) or (d), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels may not be used to qualify a dwelling in the other part of the state.
2. Prior to the final approval for a dwelling authorized by Subsections (c) and (d) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" to OAR chapter 660, division 33 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary health hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - b. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
4. 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;

5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section;
6. The planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(f) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm as defined in subparagraph g if:

1. The subject tract will be employed as a commercial dairy as defined in subparagraph g;
2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
3. Except for an accessory dwelling, there is no other dwelling on the subject tract;
4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
6. The Oregon Department of Agriculture has approved the following:
 - a. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - b. A Producer License for the sale of dairy products under ORS 621.072.

(g) As used in this section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual

income required by Paragraph (c) or (d), whichever is applicable, from the sale of fluid milk.

- (h) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
1. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by paragraph (c) or (d), whichever is applicable;
 2. The subject lot or parcel on which the dwelling will be located is:
 - a. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by paragraph (c) or (d), whichever is applicable; and
 - b. At least the size of the applicable minimum lot size under Section (14);
 3. Except for an accessory dwelling, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in paragraph 1; and
 5. In determining the gross income required by paragraph 1 and subparagraph 2.a:
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - b. Only gross income from land owned, not leased or rented, shall be counted.

(7) ACCESSORY FARM DWELLINGS

- (a) Accessory farm dwellings as permitted by Section (7) may be considered customarily provided in conjunction with farm use if:
1. Each accessory farm dwelling meets all the following requirements:
 - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

- b. The accessory farm dwelling will be located:
 - i. On the same lot or parcel as the primary farm dwelling;
 - ii. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - iii. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;
 - iv. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or
 - v. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and
 - c. 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.
2. In addition to the requirements in paragraph 1, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

- a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - i. At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
 - b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - c. It is located on a commercial dairy farm as defined in Section (6)(g); and
 - i. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
 - ii. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - iii. A Producer License for the sale of dairy products under ORS 621.072.
3. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in (14)a.