



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

ADOPTED

Meeting Date: November 02, 2021 **CPO:** All CPOs except 1, 2, 3, 4M
Agenda Category: PUBLIC HEARINGS
Department(s): Land Use & Transportation
Presented by: Stephen Roberts, Director of Land Use & Transportation
Thomas A. Carr, County Counsel

Agenda Title: **Consider Proposed A-Engrossed Ordinance No. 877 – An Ordinance Amending the Community Development Code Affecting Certain Rural Land Use Districts to Align Certain Code Sections with State Statute**

REQUESTED ACTION:

Read A-Engrossed Ordinance No. 877 by title only and conduct the third public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 877.

SUMMARY:

A-Engrossed Ordinance No. 877 proposes to amend the Community Development Code (CDC) to make changes required for consistency with state law and to improve clarity and organization. Amendments are limited in scope and impact the County's resource land use districts – Exclusive Farm Use (EFU), Agriculture and Forest Use (AF-20) and Exclusive Forest and Conservation (EFC). A-Engrossed Ordinance No. 877 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board of Commissioners conducted a public hearing Oct. 5, 2021 for Ordinance No. 877. After the Oct. 5 hearing, the Board directed engrossment of the ordinance to make several changes. A summary of the amendments was included in the staff report for the Oct. 5 hearing. This is the second of two required public hearings for A-Engrossed Ordinance No. 877.

A staff report will be provided to the Board prior to the Nov. 2, 2021 hearing and posted on the above land use ordinance webpage and hyperlinked below.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

Previous comments on this ordinance have been addressed through staff action or incorporated into amendments to the filed ordinance. No comments have been received on filed A-Engrossed Ordinance 877.

Legal History/Prior Board Action:

- On Oct. 5, 2021 the Board authorized engrossment of Ordinance No. 877. Subsequently, an evening public hearing on Oct. 26, 2021 was held in accordance with Charter Chapter X.
- Amendments in this ordinance were included in the Board-approved 2021-22 Long Range Planning Work Program (Minute Order 21-176). On July 27, 2021 a Measure 56 notice related to template forest dwellings was authorized by the Board (Minute Order 21-201).
- The Board adopted the County’s acknowledged Comprehensive Plan, which includes the CDC, through multiple land use ordinances in 1983. Various amendments to the CDC to maintain consistency with changes in state law that apply to rural uses have occurred over time, most recently in 2020 via Ordinance No. 866.

Budget Impacts:

None

ATTACHMENTS:

[A-Engrossed Ordinance No. 877 - Presentation](#)

[Ordinance 877A - Additional staff report](#)

[ADOPTED Ordinance 877A](#)

Approved by the
Washington County Board of Commissioners
also serving as the governing body of Clean Water Services and all other County Districts



Kevin Moss, Board Clerk

November 2, 2021

Date Signed



A-Engrossed Ordinance No. 877-A

MINOR DEVELOPMENT CODE
AMENDMENTS TO ALIGN WITH
STATE LAW

Board of Commissioners Nov. 2, 2021

Land Use & Transportation

www.co.washington.or.us

→ A-Engrossed Ordinance No. 877 overview

Minor amendments for consistency with updated state law authorized in 2021-22 Long Range Planning Work Program

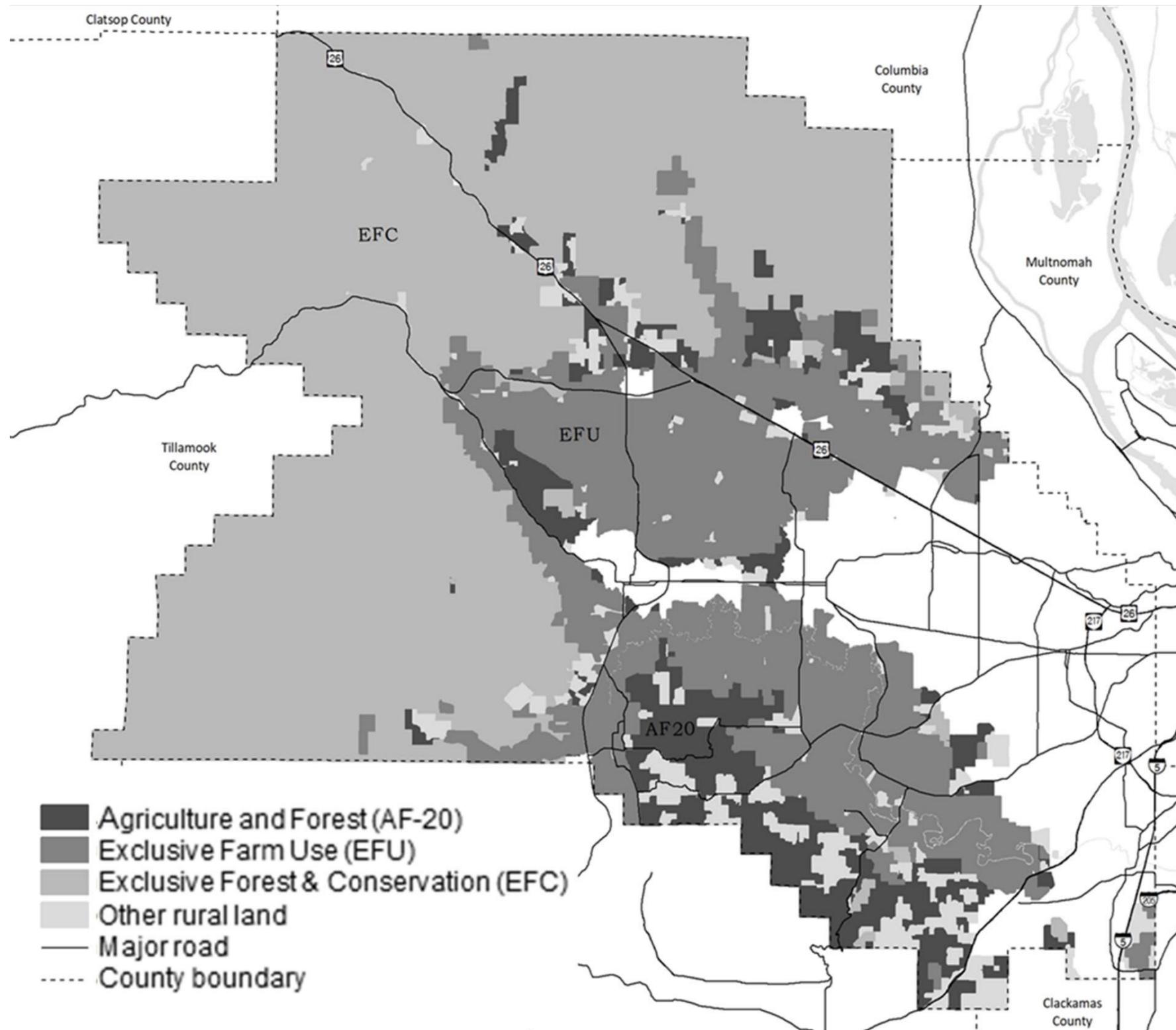
Need for additional changes identified by Department of Land Conservation and Development (DLCD) staff and community member

Planning Commission recommended adoption with staff-proposed changes

Engrossment authorized by the Board Oct. 5

First public hearing on A-Engrossed Ordinance No. 877 on Oct. 26

No comments received on the changes



Context

- Changes address allowed uses in the Agriculture & Forest (AF-20), Exclusive Farm Use (EFU) and the Exclusive Forest and Conservation (EFC) districts
- Allowed uses are subject to Goals 3 and 4 for Agriculture and Forest Lands in these resource districts

→ Finding of compliance summary

Amendments in A-Engrossed Ordinance No. 877 comply with statewide Planning Goals, Metro Title 13 and Comprehensive Plan policies:

- Notification and public hearings occurred as required by state and local regulations
- Amendments are consistent with state law and statewide Planning Goals, particularly Goals 3 and 4 (Agriculture and Forest Lands)
- Amendments are consistent with existing Plan policies

→ Staff recommendation

Conduct the public hearing

Adopt A-Engrossed Ordinance No. 877

By separate action, adopt associated findings

STAFF CONTACT

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Land Use & Transportation
www.co.washington.or.us



Oct. 25, 2021

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 877 – An Ordinance Addressing Minor Amendments to the Community Development Code Affecting Certain Rural Land Use Districts to Align with State Statute**

STAFF REPORT

For the Nov. 2, 2021 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10 a.m.)

I. STAFF RECOMMENDATION

Conduct the second of two required public hearings for A-Engrossed Ordinance No. 877. At the conclusion of public testimony, close the hearing and take two actions, one to adopt A-Engrossed Ordinance No. 877 and the other to adopt the associated findings.

II. BACKGROUND

The Board is scheduled to hold the second of two required public hearings for A-Engrossed Ordinance No. 877 at the Nov. 2 meeting. Staff will provide updated information to the Board at the Nov. 2 meeting as appropriate.

This ordinance proposes changes consistent with state law to amend allowed uses in the Community Development Code (CDC). The changes address uses in the Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC) and Agriculture and Forest (AF-20) land use districts. These are the County's resource districts subject to Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands).

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning

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After its Oct. 5 public hearing for proposed Ordinance No. 877, the Board directed engrossment of the ordinance and continued the hearing to Oct. 26 and Nov. 2. The Board further directed staff to provide notice of the ordinance changes and the schedule for engrossment hearings as required by Chapter X of the County Charter. No comments have been received on A-Engrossed Ordinance No. 877.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 877 by resolution and order has been provided in the meeting materials for the Board's Nov. 2 meeting.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 877

ADOPTED

An Ordinance Addressing Minor Amendments to the Community Development Code Affecting Certain Rural Land Use Districts to Align Certain Code Sections with State Statute

The Board of County Commissioners of Washington County, Oregon (“Board”)

ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859, 864, 866, 867, and 869.

B. As part of its ongoing planning efforts, Washington County staff has identified amendments to the Community Development Code to incorporate recent legislation affecting

1 rural development and to update code sections including those related to permitted uses,
2 detached dwelling units, and schools located in resource districts. The Board recognizes that
3 such changes are necessary for the health, safety, and welfare of the residents of Washington
4 County, Oregon.

5 C. Under the provisions of Washington County Charter Chapter X, the
6 Department of Land Use and Transportation has carried out its responsibilities, including
7 preparation of notices, and the County Planning Commission has conducted one or more
8 public hearings on the proposed amendments and has submitted its recommendations to the
9 Board. The Board finds that this Ordinance is based on that recommendation and any
10 modifications made by the Board are a result of the public hearings process.

11 D. The Board finds and takes public notice that it is in receipt of all matters and
12 information necessary to consider this Ordinance in an adequate manner and finds that this
13 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
14 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
15 County Charter, the Washington County Community Development Code, the Washington
16 County Transportation System Plan, and the Washington County Comprehensive Plan.

17 SECTION 2

18 The following exhibit, attached hereto and incorporated herein by reference, is adopted
19 as an amendment to the designated document as follows:

20 A. Exhibit 1 (15 pages), amends the following provisions of the Community
21 Development Code:

- 22 1. Section 201 – Development Permit;

2. Section 340 – Exclusive Farm Use District (EFU);
3. Section 342 – Exclusive Forest and Conservation District (EFC);
4. Section 344 – Agriculture and Forest District (AF-20);
5. Section 428 – Forest Structure Siting and Fire Safety Standards; and
6. Section 430 – Special Use Standards.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

///

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 201 – DEVELOPMENT PERMIT

201-4 Expiration

201-4.2 For dwellings allowed under the following provisions, a development permit shall expire automatically four years from the date of issuance unless one of the actions outlined under Section 201-4.1 occurs first:

- A Replacement Dwellings in the EFC District;
- B. Non-Farm Dwellings in the EFU and AF-20 Districts;
- C. Marginal Lands Dwellings in the AF-20 District;
- D. Lot of Record, Large Ownership and Template Dwellings in the EFC District;
and
- E. Caretaker residences for public parks and public fish hatcheries.

201-5 Extension

201-5.1 Extension in all Districts Except the EFU, ~~and~~ AF-20 and EFC Districts

201-5.2 Extension in the EFU, AF-20 and EFC Districts

Applies to all permits in the EFU, AF-20 and EFC Districts except as provided in Section 201-5.3 below. If an extension is desired, the holder of the development permit must file an application for an extension prior to the expiration of the development permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. ~~Except as provided for below in Section 201-5.3, o~~One extension may be granted for a maximum period of one year from the original date of expiration when findings are made demonstrating compliance with A, B, ~~and~~ C below. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.

201-5.3 Extension of Certain Dwelling Approvals in the EFU, AF-20 and EFC Districts

For the dwelling approvals listed under Section 201-4.2 only, if an extension is desired, the holder of the development permit must file an application for an extension prior to the expiration of the development permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. In accordance with ORS 215.417 (3), an extension approved under this Section is not a land use decision as defined in ORS 197.015.

~~A. One extension may be granted for a maximum of two years from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional extensions are not permitted.~~

~~A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;~~

~~B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the permit; and~~

~~C. There has been no change in circumstances or to the applicable laws likely to necessitate significant modification of the development approval or conditions of approval.~~

B. In addition to an extension allowed by A. above, up to five one-year extensions may be subsequently approved when:

(1) The applicant makes a written request for the additional extension prior to the expiration of the previous extension.

(2) The applicable residential development statute has not been amended following approval of the permit, except for amendments to ORS 215.750 made in 2019 that apply to Template Dwellings (Section 430-37.2 G.).

(3) No changes in state administrative rule or CDC regulations applicable to the permit have occurred since the permit was approved, aside from that noted in (2) above, unless allowed by the County.

2. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)

340-4 Uses Permitted Through a Type II Procedure

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

D. Processing facility for farm products – Section 430-102.

For the purposes of this Section, processing facility means:

Facility for the processing of farm crops, or the production of biofuel, as defined in ORS 315.141, located on a farm operation that ~~provides~~produces at least one-quarter of the farm crops, or biomass as defined in ORS 315.141, processed at the facility; or

Facility for the slaughtering, processing or selling of poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038 (2).

[Deleted text below reworded for clarity and relocated to **new** Section 430-102 (Processing Facility for Farm Products)]

~~The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to processing activities within another building supporting farm uses.~~

~~Any facility approved under this Section for the commercial processing of marijuana subject to an OLCC license requirement shall demonstrate compliance with Section 430-80.~~

~~A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.~~

~~Any division or property line adjustment proposing to separate a processing facility from the farm operation on which it is located is prohibited.~~

- P. Land application of reclaimed water, agricultural or industrial process water or biosolids in connection with or for the irrigation of an allowed agricultural, horticultural or silvicultural production use. May include the on-site treatment of septage prior to the land application of biosolids. Use subject to the issuance of a license, permit or other approval by the Department of Environmental Quality or Agriculture. Facilities for on-site septage treatment must be temporary and portable. - See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.

340-4.2 Permitted Uses which are subject to Section 340-4.3:

- T. Schools - ~~Public or private for kindergarten through grade 12 (K-12) Elementary and Nursery only~~, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high value farmland. Schools within 3 miles of an UGB must also comply with Section 340-6.

340-6 UGB Proximity Standards

Applies to uses identified in this Code and in OAR 660-033. Alterations or expansions of schools established on the subject tract prior to Jan. 1, 2009 are exempt from these standards.

3. SECTION 342 – EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

342-3.1 Permitted Uses which are exempt from Section 342-3.3:

P. Parking no more than seven dump trucks and up to seven dump trailers when the proposed use will not:

- (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

4. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)

344-4 Uses Permitted Through a Type II Procedure

The uses listed in Section 344-4.1 and 344-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

D. Processing facility for farm products – Section 430-102.

For the purposes of this Section, processing facility means:

Facility for the processing of farm crops, or the production of biofuel, as defined in ORS 315.141, located on a farm operation that ~~produces~~ produces at least one-quarter of the farm crops, or biomass as defined in ORS 315.141, processed at the facility; or

Facility for the slaughtering, processing or selling of poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038 (2).

[Deleted text below reworded for clarity and relocated to **new** Section 430-102 (Processing Facility for Farm Products)]

~~The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to processing activities within another building supporting farm uses.~~

~~Any facility approved under this Section for the commercial processing of marijuana subject to an OLCC license requirement shall demonstrate compliance with Section 430-80.~~

~~A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.~~

~~Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited.~~

- P. Land application of reclaimed water, agricultural or industrial process water or biosolids in connection with or for the irrigation of an allowed agricultural, horticultural or silvicultural production use. May include the on-site treatment of septage prior to the land application of biosolids. Use subject to the issuance of a license, permit or other approval by the Department of Environmental Quality or Agriculture. Facilities for on-site septage treatment must be temporary and portable. - See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.

344-4.2 Permitted Uses which are subject to Section 344-4.3:

- T. Schools - Public or private for kindergarten through grade 12 (K-12) Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high value farmland. Schools within 3 miles of an UGB must also comply with Section 344-6.

344-6 UGB Proximity Standards

Applies to uses identified in this Code and in OAR 660-033. Alterations or expansions of schools established on the subject tract prior to Jan. 1, 2009 are exempt from these standards.

5. SECTION 428 – FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS

428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure

Dwellings and structures, ~~including replacement dwellings and accessory structures,~~ that are reviewed through a Type I procedure, including replacement dwellings and accessory structures, shall comply with the following standards. ~~#When the Type I standards are not cannot be met on a property, the Type II standards of Section 428-4 shall apply. In order to qualify under the Type I standards below, the~~ property shall be located within the boundaries of a Fire Protection District (does not include Oregon Dept. of Forestry) in order to qualify under the Type I standards below.

428-3.3 Stocking Requirements for Dwellings

On lots or parcels greater than 10 acres, new All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A- Pursuant to ORS 215.730, 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 stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure

Dwellings and structures, ~~including replacement dwellings and accessory structures,~~ that do not comply with the standards in Section 428-3, including replacement dwellings and accessory structures, shall be reviewed through a Type II procedure and shall comply with the following standards:

428-4.3 Stocking Requirements for Dwellings

~~On lots or parcels greater than 10 acres, new All dwellings, including replacement dwellings,~~ shall comply with the following stocking standards:

- A- Pursuant to ORS 215.730, 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 stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

6. SECTION 430 – SPECIAL USE STANDARDS

In addition to the requirements of Sections 400 through 425, the following special use standards are provided for specific uses. Additional or amended special use standards that are applicable in the North Bethany Subarea of the Bethany Community Plan are located in Section 390, North Bethany Subarea Overlay District.

430-37 Detached Dwelling Unit

430-37.2 Rural

In the resource districts (EFU, EFC, AF-20) a detached dwelling is allowed in certain circumstances, as identified below. For the purposes of this Section, "tract" means one or more contiguous lots or parcels under the same ownership (ORS 215.010).

- A. Farm Dwelling. In the EFU and AF-20 Districts, a primary dwelling unit customarily provided in conjunction with farm use may be approved when the following standards are met:

- B. Woodlot Farm Dwelling. In the EFU and AF-20 Districts, a primary dwelling in conjunction with the propagation or harvesting of a forest product may be approved when the following standards are met:

- C. Relative Farm Dwelling. A Dwelling Unit located on real property used for farm use occupied by a relative may be approved when:

- D. Accessory Farm Dwelling. In the EFU and AF-20 Districts, accessory dwellings customarily provided in conjunction with farm use may be approved when:

- E. Lot of Record Forest Dwelling. In the EFC District, a ~~single-family primary~~ dwelling unit on a lot or parcel may be approved when the following standards are met:

~~(1) For the purposes of this section, the words listed below have the following meaning:~~

~~(a) **Tract.** One or more contiguous lots or parcels under the same ownership.~~

~~(b) **Commercial tree species.** Trees recognized under rules adopted under ORS 527.715 for commercial production.~~

~~(c) **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.~~

~~(2) Lot of Record Dwelling Standards~~

~~(a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:~~

(~~ia~~) Prior to January 1, 1985; or

(~~ib~~) By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

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

(~~b2~~) The tract on which the dwelling will be sited does not include a dwelling.

(~~e3~~) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.

(~~e4~~) The tract on which the dwelling will be sited is composed of soils not capable of producing 5,000 cubic feet per year or more of commercial forest tree species as defined in ORS 527.715.

(~~e5~~) The tract on which the dwelling will be sited is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:

(~~ia~~) A United States Bureau of Land Management road; or

(~~ib~~) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(~~3~~) F. Large Tract Forestland Dwelling Standards In the EFC District, a primary dwelling unit may be approved when the following standards are met:

(~~a1~~) Lot Area Requirements:

(~~ia~~) The dwelling will be sited on a tract ~~in one ownership~~ of at least 160 contiguous acres zoned for forest use. A tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or waterway; or

(~~ib~~) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total 200 acres or more.

(~~ii2~~) Prior to issuance of a building permit:

The owner shall submit proof that the covenants, conditions, and restrictions form adopted by OAR 660-006, effective March 1, 1994, has been recorded in the deed records for all the tracts that are used to meet the acreage requirement.

(a) The covenants, conditions, and restrictions shall preclude all future rights to construct a dwelling on the tract(s) or to use the tract(s) to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forestlands. The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by the Director.

(b) The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the Department of Assessment & Taxation Recording Division pursuant to this subsection and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions, restrictions filed in the Department of Assessment & Taxation Recording Division pursuant to this subsection. The map or other record required by this subsection shall be readily available to the public in the Department of Land Use & Transportation.

(b3) The tract or tracts on which the dwelling will be sited does not include a dwelling.

~~(4)G. Template Forest Dwelling Standards~~ In the EFC District, a primary dwelling unit may be approved when ~~the lot or parcel must meet~~ one of the Template Options Test and one of the Parcel Options the Additional Standards in (1) and (2) below.

(1) Template Test

Subsections (a) and (b) below detail how to place the template and the minimum parcel and dwelling requirements. If the data that the county has on record shows that any of the dwellings used to qualify for the template test are within 100 feet of the template, the applicant may be required to provide more accurate information, stamped by a professional surveyor, in order for the Review Authority to determine whether or not the standards can be satisfied. Acceptable forms of information include a survey of the subject parcel, referenced to digital orthographic photographs, including information on the accuracy of the photographs for the subject area.

(a) Template Options: Location

~~The following subsections detail the options available to qualify a lot or parcel for a dwelling based on the 160-acre template is a 160-acre square or rectangular pattern (square or rectangle) centered on the subject tract (Figure 1). As used in this Section, "centered on the subject tract" means the mathematical centroid of the tract. After the template position has been selected, the template shall remain fixed while the parcels and dwellings are counted.~~

~~Option 1: For tracts less than 60 acres:~~

~~(i) _____~~

~~The lot or parcel on which the dwelling is to be established shall be within a 160-acre square centered on the center of the subject tract; or that may be rotated around the centroid to most advantageous position, except that:~~

~~(ii) For tracts less than 60 acres, if the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road. See Figure 1.~~

~~(ii) Option 2: For tracts 60 acres and larger, if a the tract 60 acres or larger abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or perennial stream.~~

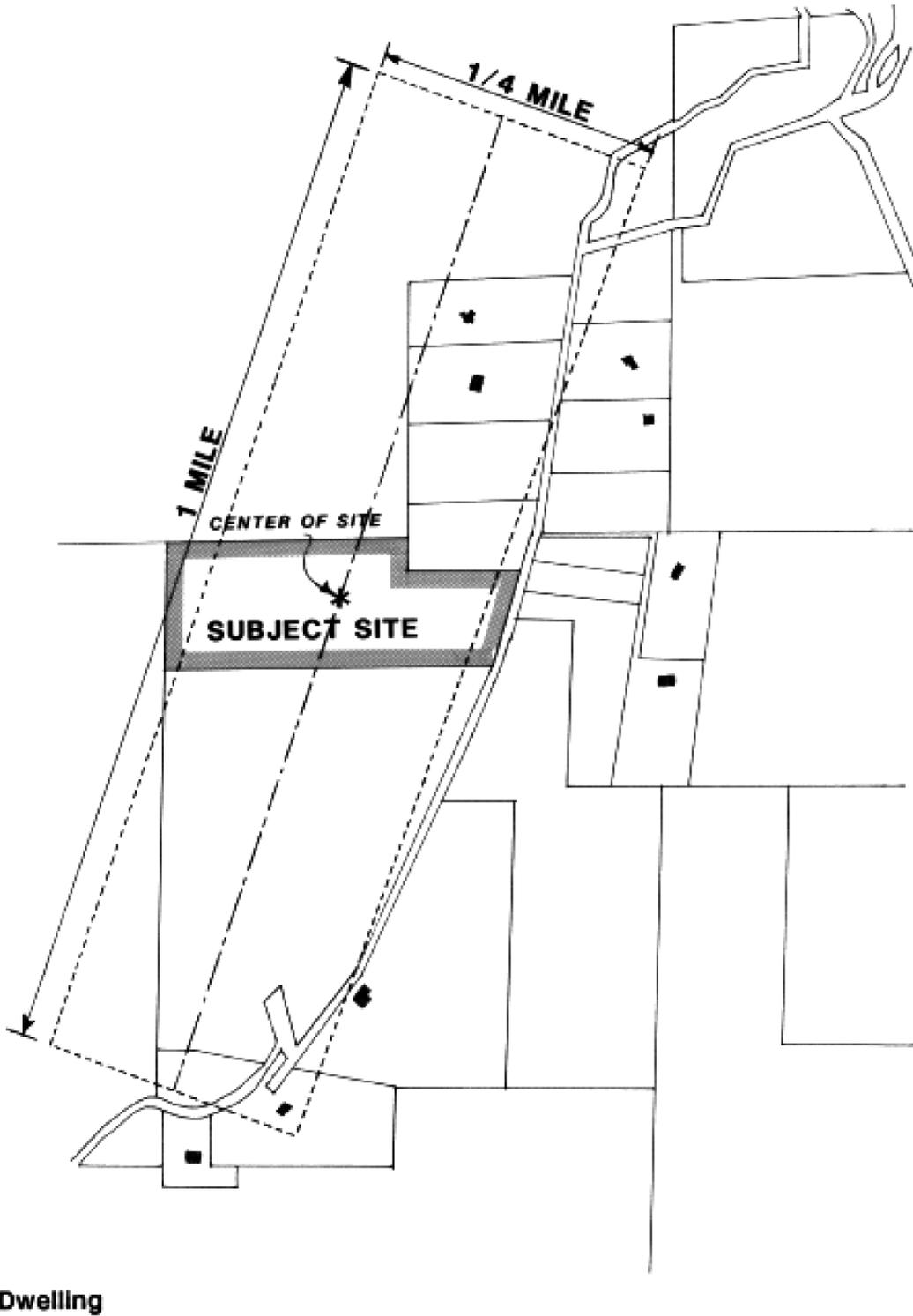
~~However, one of the three required dwellings under the Parcel Options and Dwelling Requirements shall be on the same side of the road or stream as the tract and:~~

~~(iA) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or~~

~~(iiB) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.~~

~~(iiiC) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.~~

FIGURE 1. 160 Acre Rectangle Template



abcdef Proposed additions
~~abcd~~ef Proposed deletions

- (b) ~~Parcel Options; and Dwelling Requirements. The following subsections detail the minimum number of Parcels and Dwellings required options available to qualify a lot or parcel for a dwelling is based on the parcel's soil-type production capacity as follows.~~

If the lot or parcel is predominantly composed of soils that are capable of:

- (i) Producing 0 to 49 cubic feet per acre per year of wood fiber, there shall be within the 160-acre ~~square template~~ all or part of at least three other lots or parcels, all of which have dwellings. At least one of these three dwellings must be located within the 160-acre ~~square template~~; two may be within 500 feet of the ~~square template~~.
- (ii) Producing 50 to 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre ~~square template~~ all or part of at least seven other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre ~~square template~~; two may be within 500 feet of the ~~square template~~.
- (iii) ~~If the lot parcel is predominantly composed of soils that are capable of p~~Producing more than 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre ~~square template~~ all or part of at least 11 other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre ~~square template~~; two may be within 500 feet of the ~~square template~~.

(2) Additional Standards

- (a) ~~For the purposes of the Pparcel Rrequirements in (1)(b) above, all lots, parcels and dwellings must have existed on Jan. ~~uary~~ 1, 1993, and continue to exist. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements of the Parcel Requirements ~~above~~.~~
- (b) The subject lot or parcel must have been lawfully established.
- (c) Any property line adjustment to the lot or parcel must have complied with the applicable property line adjustment provisions in ORS 92.192.
- (d) Any property line adjustment after Jan. 1, 2019, did not qualify a lot or parcel for a dwelling under this Section.
- (ee) The tract on which the dwelling will be sited does not include a dwelling.

- (f) If the lot or parcel on which the dwelling will be sited was part of a tract on Jan. 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.
- (g) Prior to issuance of a building permit, the owner shall submit proof that the covenants, conditions and restrictions form adopted by OAR 660-006, effective March 1, 1994, has been recorded in the deed records for all lots and parcels within the tract used to meet the requirements of this Section.
- (i) The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling on the tract unless the tract is no longer subject to protection under the goals for agricultural lands or forestlands. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Director.
- (ii) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Department of Assessment & Taxation Recording Division pursuant to this subsection.

430-102 Processing Facility for Farm Products

A processing facility for farm products in accordance with Section 340-4.1 D. or Section 344-4.1 D. shall:

- A. Limit total processing area to less than 10,000 square feet of floor area, regardless of the number of buildings on-site. Processing area does not include floor area designated for preparation, storage or other farm use.
- B. Demonstrate compliance with Section 430-80 (Marijuana Facilities and Marijuana Production) when seeking approval for commercial processing of marijuana subject to an OLCC license requirement.
- C. Comply with all applicable siting standards, except that:
 - (1) The standards shall not be applied in a manner that prohibits the siting of the processing facility.
 - (2) Facilities less than 2,500 square feet are not subject to siting standards.
- D. Remain on the same parcel or lot as the farm operation. A condition of approval shall be applied to ensure compliance with this requirement.

430-121 Schools, Including Nursery (Private and Public)

A place for systematic instruction in any branch or branches of knowledge including any of the following: nursery, kindergarten, primary, intermediate and high school or combination thereof, which may be a public school or a private school offering instruction substantially similar to public schools. School does not include trade and commercial schools or day care facilities.

430-121.3 Schools in the EFU and AF-20 Districts shall be small in size, rural in character and not require urban services. Alterations or expansions of existing K-12 schools is allowed for schools established on the subject tract prior to Jan. 1, 2009 when the expansion occurs:

A. On the same tax lot on which the school is located; or

B. On a tax lot that is contiguous to the tax lot on which the school is located and, as of Jan. 1, 2015, was in the same ownership as the tax lot on which the school is located.