

TITLE 9

COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code Division 3 — Zoning Districts

CHAPTER 928

RURAL RESOURCE ZONE CODE

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I. GENERAL PROVISIONS

928.005 Title; short title

This Chapter, LCC 928.005 to 928.999, shall be known and cited as the “Linn County Rural Resource Zone Code.” This Chapter may also be referred to and cited as the “Rural Resource Zone Code.”

[Adopted 97-200 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99]

928.010 Compliance requirements

(A) Notwithstanding the presence or absence of any conditions, requirements, standards, or criteria with any use mentioned in this Chapter, all uses remain subject to any applicable conditions, requirements, standards, or criteria that may be set forth in other Chapters of the Land Development Code.

(B) The conditions, requirements, standards, and criteria are set forth generally in the following Chapters:

- (1) Decision criteria. Chapters 932, 933
- (2) Conditions. Chapter 933
- (3) Requirements. Chapter 933
- (4) Standards
 - (a) Property. Chapter 934
 - (b) Access. Chapter 935

(C) The conditional uses set forth in LCC 928.320 to 928.335, 928.620 to 928.635, and 928.920 to 928.930 are subject to approval pursuant to meeting the applicable requirements and

decision criteria in LCC Chapter 933 (Conditions, Requirements, and Decision Criteria Code).

(D) Development of all properties in the Rural Resource Zone must comply with:

- (1) the development standards set forth in LCC Chapter 934 (Development Standards Code);
- (2) the access improvement standards set forth in LCC Chapter 935 (Access Improvement Standards Code) for all principal and accessory uses permitted in the EFU zoning district, except as provided in LCC 924.100 (B); and
- (3) the siting standards in LCC 934.590 for all new buildings and structures sited in the forest area of the F/F or in the FCM zoning districts.

(E) Development of any property in the RRZ may have one or more conditions imposed on the permit.

[Adopted 98-002 §3 eff 3/4/98]

[928.006 to 928.299 are reserved for future use.]

II. EXCLUSIVE FARM USE (EFU) ZONING DISTRICT

928.300 Statement of purpose

(A) The purpose of the Exclusive Farm Use (EFU) zoning district is:

- (1) to preserve land suitable for agricultural production, whether in large or small blocks, for agricultural use as declared in the Oregon Agricultural Land Use Policy (ORS 215.243);
- (2) to provide for farm taxation consistent with provisions of ORS Chapter 308;
- (3) to allow only those uses consistent with agricultural practices as provided in ORS Chapter 215; to allow for public and private outdoor recreational uses; and
- (4) to provide for the protection of open space, fish and wildlife habitat, watersheds, scenic resources, and air, water and land resource quality.

(B) The Oregon Agricultural Land Use Policy.

(1) Means open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all the people of this state, whether living in rural, urban or metropolitan areas of the state.

(2) The policy includes the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation. Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community service, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion. Exclusive farm use zoning, as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zoning districts.

[Adopted 98-002 §3 eff 3/4/98]

928.310 Non-dwelling, non-soil-dependent uses allowed outright in the EFU zoning district

(A) The uses, set forth in subsection (B), including principal and accessory buildings are allowed outright in the EFU zoning district regardless of soil classification.

(B) *Uses allowed outright.*

(1) Farm use. Marijuana is subject to compliance with LCC 940.400.

(2) Buildings, other than dwellings, customarily provided in conjunction with farm or forest use.

(3) Propagation or harvesting of a forest product.

(4) Creation of, restoration of, or enhancement of wetlands.

(5) A winery as described in ORS 215.452 or 215.453.

(6) Operation for the exploration for and production of geothermal resources as defined by ORS 522.005.

(7) Operation for the exploration for and production of oil and gas as defined by ORS 522.005.

(8) Operation for the exploration for minerals as defined by ORS 522.005.

(9) Transportation improvements including roads, highways and airports.

(a) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

(b) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new unit of land would result.

(c) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(d) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous publicly-owned property utilized to support the operation and maintenance of public roads.

(10) Farm stands if:

(a) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(b) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(c) 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 farm 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.

(d) As used in this section, “local agricultural area” includes Oregon.

(e) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(11) On-site filming and activities accessory to on-site filming for 45 days or less as provided for in ORS 215.306.

(12) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

(13) *Utility facility service lines.* Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(a) A public right-of-way;

(b) Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or

(c) The property to be served by the utility.

(14) Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection

with a use allowed in an exclusive farm use zone 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 ORS 468B.095 and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251.

(15) One outdoor gathering within any three-month period of 3000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period as described in ORS 197.015(10)(d), subject to the applicable provisions of LCC Chapter 580 (Outdoor Assembly Peace, Heath, Safety, and Welfare Code) and ORS 433.735.

(16) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings that existed on January 1, 2013, when:

(a) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(b) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(17) Fire service facilities providing rural fire protection services.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.311 Non-dwelling, soil-dependent uses allowed outright in the EFU zoning district

(A) The uses, set forth in subsection (B), including principal and accessory buildings are allowed outright in the EFU zoning district based on soil classification.

(B) *Uses allowed outright.*

(1) Composting operations and facilities allowed on high-value farmland are limited to those that do not require a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an

Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 12-315 §5 eff 12/12/12]

928.315 Dwellings, not soil dependent, allowed outright in the EFU zoning district

(A) The uses, set forth in subsection (B), including principal and accessory buildings are allowed outright in the EFU zoning district regardless of soil classification.

(B) *Uses allowed outright.*

(1) Alteration, restoration, or replacement of a lawfully established dwelling meeting the requirements in LCC 933.180.

[Adopted 98-002 §3 eff 3/4/98]

928.320 Non-dwelling, non-soil-dependent uses permitted in the EFU zoning district through Type IIA conditional use review

(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted in the EFU zoning district regardless of soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) Parking of no more than seven log trucks subject only to the criteria set forth in this subparagraph.

(a) The use is subject to applicable laws relating to health and safety;

(b) The use is subject to LCC 933.310 (B) (4).

(2) A facility for the primary processing of forest products.

(a) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses.

(b) Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature.

(c) 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.

(d) Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located,

(3) Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005.

(4) Operation conducted for mining and processing of oil and gas as defined by ORS 520.005.

(5) Utility facilities necessary for public service, including associated transmission lines as defined by ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating power for public use by sale or transmission towers over 200 feet in height.

(a) The approval criterion for this use is limited to a finding that the utility is necessary for public service pursuant to LCC 933.330 and the approval is not subject to LCC 933.310.

(6) Transmissions towers over 200 feet in height.

(7) Home occupations and the parking of associated vehicles pursuant to LCC 933.200, 933.310, and 932.830 to 932.845.

(8) Transportation improvements including roads and airports.

(a) *Transportation improvements subject to LCC 933.310.*

(i) Construction of additional passing and travel lanes requiring the acquisition

of right-of-way but not resulting in the creation of new units of land.

(ii) Reconstruction or modification of public roads involving the removal or displacement of buildings but not resulting in the creation of a new unit of land.

(iii) Improvement of public road-related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of a new unit of land.

(iv) Personal-use airports. (See **personal-use airports** in LCC 920.010 for exceptions)

(b) *Transportation improvements on rural lands allowed by and subject to OAR 660-012-0065.*

(9) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. Notice shall be provided to the Oregon Department of Agriculture.

(10) Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) and ORS 215.283(1)(r) or LCC 928.320(B)(20) & 928.331(B)(2).

(11) On-site filming and activities accessory to on-site filming conducted in excess of 45 days as provided for in ORS 215.306.

(12) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.

(a) Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the approval of the model aircraft use.

(b) The site shall not include an aggregate or hard surface area unless the surface preexisted the approval of the model aircraft use.

(c) An owner of property used for the takeoff and landing of model aircraft 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.

(13) Operations for the extraction and bottling of water.

(14) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(15) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other 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, subject to LCC 933.320.

(16) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(17) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(37).

(18) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(38).

(19) A facility for the processing of farm crops, a facility for the production of biofuel as defined in ORS 315.141, or a facility for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038

(a) A farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.

(b) 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 the processing activities within another building supporting farm uses.

(c) 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.

(d) No division of a lot or parcel may be authorized that separates a processing facility or establishment from the farm operation on which it is located.

(e) Marijuana processing is subject to LCC 940.500.

(20) Dog training classes or testing trials that cannot be established under LCC 928.310(B)(16).

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.321 Non-dwelling, soil-dependent uses permitted in the EFU zoning district through Type IIA conditional use review

(A) The uses set forth in subsections (B) and (C), including principal and accessory buildings, may be permitted in the EFU zoning district based on soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally on HVFL and non-HVFL.* The uses set forth in this subsection may be permitted if on HVFL or on non-HVFL.

(1) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities identified in LCC 928.320(18) and (19).

Unless an exception is taken pursuant to OAR 660, Division 4, such facilities shall not preclude the use of commercial agricultural enterprise of more than 12 acres on HVFL.

(2) The following existing uses may be maintained, enhanced, or expanded if on the same tract and if wholly within the EFU zoning district.

(a) Commercial dog boarding kennels, subject to LCC 932.400 to 932.440.

(b) Solid waste disposal sites, subject to LCC 932.500 to 932.580.

(c) Public or private schools, subject to LCC 933.320.

(d) Churches and cemeteries in conjunction with churches, subject to LCC 933.320.

(e) Private parks, playgrounds, and hunting and fishing preserves, and campgrounds subject to LCC 932.950 and 933.320.

(f) Golf courses, subject to LCC 932.955 and 933.320.

(C) *Uses permitted conditionally on non-HVFL.* The uses set forth in this subsection may be permitted if on non-HVFL.

(1) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities identified in LCC 928.320(18) and (19). Unless an exception is taken pursuant to OAR 660, Division 4, such facilities shall not preclude the use of commercial agricultural enterprise of more than 20 acres on non-HVFL.

(2) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. The use shall not be approved within three miles of an urban growth boundary unless the criteria in LCC 933.320 are met.

(3) Churches and cemeteries in conjunction with churches consistent with LCC 933.195. The use shall not be approved within three miles of an urban growth boundary unless the criteria in LCC 933.320 are met.

(4) Composting facilities limited to composting operations and facilities meeting the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

(a) Building and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

(b) 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.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.325 Dwellings, not soil dependent, permitted in the EFU zoning district through Type IIA conditional use review

(A) The uses, set forth in subsection (B), including principal and accessory buildings may be permitted in the EFU zoning district regardless of soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) A farm-relative dwelling, subject to LCC 933.420. Farming of a marijuana crop may not be used to demonstrate compliance with the criteria for a farm-relative dwelling.

(2) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(3) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the county inventory as historic property as defined in ORS 358.480 and listed on National Register.

(4) A residential home in an existing dwelling, subject to ORS 197.660.

(5) Room and board arrangements for a maximum of five unrelated persons in existing dwelling.

(6) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.326 Dwellings, soil dependent, permitted in the EFU zoning district through Type IIA conditional use review

(A) The uses, set forth in subsection (C), including principal and accessory buildings may be permitted in the EFU zoning district based on soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling customarily provided in conjunction with farm use or for an accessory farm dwelling.

(C) *Uses permitted conditionally.*

(1) A dwelling customarily provided in conjunction with farm use, subject to LCC 933.400.

(2) An accessory farm dwelling, subject to LCC 933.410.

(3) A Class-IV or worse non-farm single-family dwelling, subject to LCC 933.500.

(4) A Class-VI or worse non-farm single-family dwelling, subject to LCC 933.510.

(5) A pre-85 non-HVFL dwelling, subject to LCC 933.706.

(6) A pre-85 HVFL-2 dwelling, subject to LCC 933.707.

(7) A wildlife management dwelling, subject to LCC 933.790.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 16-370 §3 eff 12/14/16]

928.330 Non-dwelling, non-soil-dependent uses permitted in the EFU zoning district through Type IIIB conditional use review

(A) The uses, including principal and accessory buildings, set forth in subsection (B) may be permitted in the EFU zoning district, regardless of soil classification, upon conditional use approval by the Commission provided the decision criteria

applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally*

(1) Aggregate materials, subject to LCC 921.540 to 921.568.

(a) Mining, crushing, processing, or stockpiling aggregate materials, subject to ORS 215.298.

(b) Batching aggregate materials.

(i) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement.

(ii) New uses 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.

(2) Non-aggregate minerals and non-mineral subsurface resources. Mining, crushing, processing, or stockpiling subject to ORS 215.298.

(3) Public parks and playgrounds subject to LCC 933.320. A public park may be established consistent with the provisions of ORS 195.120.

(4) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community subject to LCC 933.320. A community center authorized under this paragraph, if the facility existed on January 1, 2006, 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. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

(5) Firearms training facility.

(a) Existing facilities. Expansion of a lawfully existing firearms training facility or a

change of use of a lawfully existing firearms training facility shall require review and approval either through provisions of Code regulating nonconforming uses or through provisions regulating conditional uses, whichever is applicable, subject to LCC 933.320.

(6) One outdoor gathering within any three-month period of more than 3000 persons that is anticipated to continue for more than 120 hours in any three-month period subject to the applicable provisions of LCC Chapter 580 (Outdoor Assembly Peace, Health, Safety, and Welfare Code) and ORS 433.763.

(7) Commercial dog boarding kennels subject to LCC 932.400 to 932.440.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 2000-119 §2 eff 3/28/00; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.331 Non-dwelling, soil-dependent uses permitted in the EFU zoning district through Type IIIB conditional use review

(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted in the EFU zoning district based on soil classification, upon conditional use approval by the Commission provided the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally.* The following uses may be located on non-HFVL:

(1) A site for the disposal of solid waste which has been granted a permit by the Department of Environmental Quality under ORS 459.245, together with equipment, facilities, or building necessary for its operation, subject to LCC 932.500 to 932.580.

(2) Private parks, playgrounds, and fishing and hunting preserves and campgrounds, subject to LCC 933.320 and 933.950. 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.

(3) Golf courses, subject to LCC 932.955 and 933.320.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.336 Dwellings, soil dependent, permitted in the EFU zoning district through Type IIIB conditional use review

(A) The uses set forth in subsection (B) including principal and accessory buildings may be permitted in the EFU zoning district based on soil classification, subject to a Type IIIB conditional use review, if the decision criteria found applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) Pre-85 HVFL-1 single-family dwelling, subject to LCC 933.708.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99]

[928.391 to 928.599 are reserved for future use.]

III. FARM/FOREST (F/F) ZONING DISTRICT

928.600 Statement of purpose

The purpose of the Farm/Forest (F/F) zoning district is:

(A) to preserve land suitable for agricultural and forest uses;

(B) to allow the establishment of uses consistent with the predominant use of land for agricultural and forest use;

(C) to allow for public and private outdoor recreational uses; and

(D) to provide for the protection of open space, fish and wildlife habitat, watersheds, scenic resources, air, water, and land resource quality and to permit the location of dwellings when applicable criteria are met.

[Adopted 98-002 §3 eff 3/4/98]

928.605 Uses authorized in the F/F zoning district; generally

(A) The Board has established a Farm/Forest zoning district in accordance with both Goals 3 and 4, and OAR Chapter 660, Divisions 6 and 33.

(B) *Uses generally.* Uses authorized in the EFU zoning district in LCC 928.310 to 928.336, and in LCC 928.610 to 928.636, subject to the requirements of the applicable section, may be allowed in the Farm/Forest zoning district.

(C) *Dwellings.* The decision maker shall apply either the applicable farm or forest standards for siting a dwelling in the Farm/Forest zoning district based on the predominant use of the tract on January 1, 1993. Dwellings and related structures authorized under subsection (B), where the predominant use is forestry, shall be subject to the requirements of LCC 934.590.

[Adopted 98-002 §3 eff 3/4/98; amd 16-370 §3 eff 12/14/16]

928.607 Definitions for the F/F zoning district

For purposes of LCC 928.600 to 928.899 the following definitions apply:

(A) “**Auxiliary**” means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice or operation. An auxiliary use is removed when a particular forest practice has concluded.

(B) “**Auxiliary structure**” means a structure that is located on site, temporary in nature, and is not designed to remain for the forest’s entire growth cycle from planting to harvesting.

(C) “**Farm area,**” for purposes of siting a dwelling, means that tract of land in an F/F zoning district on which the predominant use on January 1, 1993, was not forest use. Such land is subject to OAR 660 Division 033.

(D) “**Forest area,**” for purposes of siting a dwelling, means a tract of land in an F/F zoning district on which the predominant use on January 1, 1993, was forest use.

(E) “**Forest practices**” means any operation conducted on or pertaining to forestland, including but not limited to:

- (1) Reforestation of forestland;
- (2) Road construction and maintenance;
- (3) Harvesting of forest tree species;

- (4) Application of chemicals; and
- (5) Disposal of slash; and
- (6) Removal of woody biomass.

(F) **“Operation,”** in reference to forestry, means any commercial activity relating to the growing or harvesting of forest tree species. The term includes such activities as the growing, cultivating, spraying, thinning, pruning, protecting, harvesting through cutting, and transporting of such forest tree species as defined in ORS 527.620(6).

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99 (ORS 527.620 and OAR Chapter 629); amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.609 Auxiliary uses

An auxiliary use, including an auxiliary structure:

(A) may be used only during the term of a particular forest operation; and

(B) shall be removed when the particular forest practice has concluded.

[Adopted 99-121 §9 eff 6/30/99]

928.610 Non-dwelling, non-soil-dependent uses allowed outright in the F/F zoning district

(A) The uses, set forth in subsection (B), including principal and accessory buildings, are allowed outright in the F/F zoning district regardless of soil classification.

(B) *Uses allowed outright.*

- (1) Forest operations or forest practices.
- (2) Auxiliary structures.
- (3) Buildings, other than dwellings, customarily provided in conjunction with farm or forest use.

(4) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of:

- (a) exploration, mining, commercial gravel extraction and processing,
- (b) solid waste disposal sites,
- (c) dams,
- (d) reservoirs,
- (e) road construction, or
- (f) recreational facilities.

(5) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(6) Farm use. Marijuana production is subject to compliance with LCC 940.400.

(7) Local distribution lines (including but not limited to electric, telephone and natural gas facilities) and accessory equipment (such as electric, telephone and natural gas lines, electric distribution transformers, poles, meter cabinets, terminal boxes, and pedestals), or equipment which provides service hookups, including water service hookups.

(8) Temporary portable facility for the primary processing of forest products.

(9) Operation for the exploration for and production of geothermal resources as defined in ORS 522.005.

(10) Operation for the exploration for and production of oil and gas as defined in ORS 522.005.

(11) Operation for the exploration for minerals and aggregate resources as defined in ORS 517.750.

(12) Private hunting and fishing operations without any lodging accommodations.

(13) Towers and fire stations for forest fire protection.

(14) Transportation improvements including roads, highways and airports:

(a) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

(b) Reconstruction or modification of public roads and highways including the placement of utility facilities overhead and in the subsurface of public roads along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur or no new units of land would result.

(c) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(d) Minor betterment of existing public road and highway-related facilities such as

maintenance yards, weigh stations and rest areas, within the right-of-way existing as of July 1, 1987, and contiguous, publically owned property utilized to support the operation and maintenance of public roads.

(15) Water-intake facilities, canals and distribution lines for farm irrigation and ponds.

(16) Structures not intended for habitation which are accessory to fish and wildlife enhancement.

(17) Buildings customarily provided in conjunction with farm use.

(18) Creation of, restoration of, or enhancement of wetlands.

(19) A winery as described in ORS 215.452.

(20) Farm stands if:

(a) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(b) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(c) 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 farm 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.

(d) As used in this section, “local agricultural area” includes Oregon.

(e) A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

(21) In the farm area of the F/F zoning district, on-site filming and activities accessory to on-site filming for 45 days or less as provided for in ORS 215.306.

(22) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

(23) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(a) A public right-of-way;

(b) Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or

(c) The property to be served by the utility.

(24) Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone 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 ORS 468B.095 and with the requirements of ORs 215.246, 215.247, 215.249, and 215.251.

(25) One outdoor gathering within any three-month period of 3000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period as described in ORS 197.015(10)(d), subject to the applicable provisions of LCC Chapter 580 (Outdoor Assembly Peace, Health, Safety, and Welfare Code) and ORS 433.735.

(26) In the farm area of the F/F zoning district, dog training classes or testing trials, which may be conducted outdoors or in farm buildings that existed on January 1, 2013, when:

(a) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(b) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99;; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.611 Non-dwelling, soil-dependent uses allowed outright in the F/F zoning district

(A) The uses set forth in subsection (B), including principal and accessory buildings, are allowed outright in the F/F zoning district based on the soil classification.

(B) *Uses allowed outright.*

(1) A site for the disposal of solid waste if the site:

(a) is located on non-HVFL, and

(b) has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities, or building necessary for its operation.

(2) Composting operations and facilities allowed on high-value farmland are limited to those that do not require a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction

with the composting operation shall only be those required for the operation of the subject facility.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 12-315 §5 eff 12/12/12]

928.615 Dwellings, not soil-dependent, allowed outright in the farm area of the F/F zoning district

(A) The uses set forth in subsection (B), including principal and accessory buildings, are allowed outright in the Farm area of the F/F zoning district regardless of soil classification.

(B) *Uses allowed outright.*

(1) Alteration, restoration, or replacement of a lawfully established dwelling meeting the requirements in LCC 933.180.

[Adopted 98-002 §3 eff 3/4/98]

928.617 Dwellings, not soil-dependent, allowed outright in the forest area of the F/F zoning district

(A) The uses set forth in subsection (B), including principal and accessory buildings, are allowed outright in the forest area of the F/F zoning district regardless of soil classification.

(B) *Uses allowed outright.*

(1) Temporary forest labor camps.

(2) Alteration, restoration, or replacement of a lawfully established dwelling meeting the requirements in LCC 933.180.

(3) One large tract forestland dwelling, as described in LCC 933.740.

(4) Caretaker dwelling for public parks and public hatcheries.

[Adopted 98-002 §3 eff 3/4/98; amd 12-315 §5 eff 12/12/12]

928.620 Non-dwelling, non-soil-dependent uses permitted in the F/F zoning district through Type IIA conditional use review

(A) The uses set forth in subsection (B) including principal and accessory buildings may be permitted in the F/F zoning district regardless of soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) A facility for the primary processing of forest products.

(2) Permanent logging equipment repair and storage.

(3) Log scaling and weigh stations.

(4) Parking of no more than seven log trucks subject only to the conditions set forth in this subparagraph.

(a) The use is subject to applicable laws relating to health and safety; and

(b) The use is subject to LCC

933.310 (B) (4)

(5) Batching aggregate materials.

(a) Temporary asphalt and concrete batch plants as accessory uses to specific public road and highway projects.

(b) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard.

(6) Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005.

(7) Operation conducted for mining and processing of oil, gas as defined by ORS 522.005.

(8) Fire stations for rural fire protection.

(9) Utility facilities necessary for public service, including associated transmission lines as defined by ORS 469.300, and wetland waste treatment systems but not including commercial facilities for the purpose of generating power for public use by sale or transmission towers over 200 feet in height.

(a) In the farm area of the F/F zoning district, the approval criterion for this use is limited to a finding that the utility is necessary for public service pursuant to LCC 933.330 and the approval is not subject to LCC 933.310.

(10) Commercial utility facilities for the purpose of generating power for public use by sale. Unless an exception is taken pursuant to OAR 660, Division 4, such facilities shall not

preclude the use of commercial forest operation on more than 10 acres.

(11) Television, microwave and radio communication facilities, and transmission towers.

(12) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(13) Reservoirs and water impoundments.

(14) Cemeteries.

(15) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210.

(16) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width. This use does not include local distribution lines.

(17) Home occupations and the parking of associated vehicles as described in LCC 932.830 to 932.850.

(18) Transportation improvements including roads and airports.

(a) *Transportation improvements subject to LCC 933.310.*

(i) Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new units of land.

(ii) Reconstruction or modification of public roads involving the removal or displacement of buildings but not resulting in the creation of new units of land.

(iii) Improvement of public road-related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new units of land.

(iv) Airports.

(I) Expansion of existing airports not otherwise allowed in LCC 928.610.

(II) Personal-use airports (See **personal-use airports** in LCC 920.100 for exceptions)

(v) Aids to navigation and aviation.

(b) *Transportation improvements on rural lands allowed by and subject to OAR 660-012-0065*

(19) Private accommodations for fishing occupied on a temporary basis may be permitted on an authorized unit of land if the accommodations are:

- (a) limited to no more than 15 guest rooms as that term is defined in the *Oregon Structural Specialty Code*; and
- (b) limited to only minor, incidental and accessory retail sales; and
- (c) occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
- (d) located within ¼ mile of fish bearing Type F (formally known as, Class I) waters; and
- (e) if within a forest area, the siting standards in LCC 934.590 are met.

(20) Private seasonal accommodations for fee hunting operations may be allowed on an authorized unit of land if the accommodations are:

- (a) limited to no more than 15 guest rooms as that term is defined in the *Oregon Structural Specialty Code*; and
- (b) limited to only minor, incidental and accessory retail sales are permitted; and
- (c) occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
- (d) if within a forest area, the siting standards in LCC 934.590 are met.

(21) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(22) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agri-

culture or the United States Department of Agriculture. Notice shall be provided to the Oregon Department of Agriculture.

(23) Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) & ORS 215.283(1)(r) or LCC 928.320(B)(20).

(24) On-site filming and activities accessory to on-site filming conducted in excess of 45 days as provided for in ORS 215.306.

(25) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.

(a) Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the approval of the model aircraft use.

(b) The site shall not include an aggregate or hard surface area unless the surface preexisted the approval of the model aircraft use.

(c) An owner of property used for the takeoff and landing of model aircraft 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.

(26) Operations for the extraction and bottling of water.

(27) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(28) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other 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, subject to LCC 933.320.

(29) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(30) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(37).

(31) Parking of no more than seven dump trucks and no more than seven trailers subject only to the conditions set forth in this subparagraph.

(a) The use is subject to applicable laws relating to health and safety; and

(b) The use is subject to LCC 933.310(B)(4).

(32) A facility for the processing of farm crops, a facility for the production of biofuel as defined in ORS 315.141, or a facility for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038.

(a) A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility.

(b) 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 the processing activities within another building supporting farm uses.

(c) 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.

(d) A division of a lot or parcel may be authorized that separates a processing

facility or establishment from the farm operation on which it is located is not permitted.

(e) Marijuana processing is subject to LCC 940.500.

(33) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(38).

(34) In the farm area of the F/F zoning district, dog training classes or testing trials that cannot be established under LCC 928.610(B)(25).

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.621 Non-dwelling, soil-dependent uses permitted in the F/F zoning district through Type IIA conditional use review

(A) The uses set forth in subsections (B) and (C), including principal and accessory buildings, may be permitted in the F/F zoning district based on soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally on HVFL and on non-HVFL.* The uses set forth in this subsection may be permitted if on HVFL or on non-HVFL.

(1) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities identified in LCC 928.620(B)(30) and (33). Unless an exception is taken pursuant to OAR 660, Division 4, such facilities shall not preclude the use of commercial agricultural enterprise of more than 12 acres on HVFL.

(2) The following existing uses may be maintained, enhanced, or expanded if on the same tract and if wholly within the F/F zoning district.

(a) Commercial dog boarding kennels, subject to LCC 932.400 to 932.440.

(b) Solid waste disposal sites, subject to LCC 932.500 to 932.580.

(c) Public or private schools, subject to LCC 933.320.

(d) Churches and cemeteries in conjunction with churches, subject to LCC 933.320.

(e) Private parks, playgrounds, and hunting and fishing preserves, and campgrounds subject to LCC 933.320.

(f) Golf courses, subject to LCC 932.955 and 933.320.

(C) *Uses permitted conditionally on non-HVFL.* The uses set forth in this subsection may be permitted if on non-HVFL.

(1) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities identified in LCC 928.620(B)(30) and (33). Unless an exception is taken pursuant to OAR 660, Division 4, such facilities shall not preclude the use of commercial agricultural enterprise of more than 20 acres on non-HVFL.

(2) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. The use shall not be approved within three miles of an urban growth boundary unless the criteria in LCC 933.320 are met.

(3) Churches and cemeteries in conjunction with churches consistent with LCC 933.195. The use shall not be approved within three miles of an urban growth boundary unless the criteria in LCC 933.320 are met.

(4) Composting facilities limited to composting operations and facilities meeting the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.

(a) Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

(b) 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.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.625 Dwellings, not soil-dependent, permitted in the farm area of the F/F zoning district through Type IIA conditional use review

(A) The uses set forth in subsection (C), including principal and accessory buildings, may be permitted in the Farm area of the F/F zoning district regardless of soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Dwellings permitted conditionally.*

(1) A farm-relative dwelling, subject to LCC 933.420. Farming of a marijuana crop may not be used to demonstrate compliance with the criteria for a farm-relative dwelling.

(2) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(3) Residential home in an existing dwelling, subject to ORS 197.660.

(4) Room and board arrangements for a maximum of five unrelated persons in existing dwelling.

(5) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the county inventory as historic property as defined in ORS 358.480 and listed on the National Register.

(6) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.626 Dwellings, soil-dependent, permitted in the farm area of the F/F zoning district through Type IIA conditional use review

(A) The uses set forth in subsection (C), including principal and accessory buildings, may be permitted in the farm area of the F/F zoning district based on soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling customarily provided in conjunction with farm use or for an accessory farm dwelling.

(C) *Dwellings permitted conditionally.*

(1) A dwelling customarily provided in conjunction with farm use, subject to LCC 933.400.

(2) An accessory farm dwelling, subject to LCC 933.410.

(3) A Class-IV or worse non-farm single-family dwelling, subject to LCC 933.500.

(4) A Class-VI or worse non-farm single-family dwelling, subject to LCC 933.510.

(5) A pre-85 non-HVFL dwelling, subject to LCC 933.706.

(6) A pre-85 HVFL-2 dwelling, subject to LCC 933.707.

(7) Caretaker residence for public parks and fish hatcheries.

(8) A wildlife management dwelling, subject to LCC 933.790.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 16-370 §3 eff 12/14/16]

928.627 Dwellings, not soil-dependent, permitted in the forest area of the F/F zoning district through Type IIA conditional use review

(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted in the forest area of the F/F zoning district regardless of soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Dwellings permitted conditionally.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Residential home in an existing dwelling, subject to ORS 197.660.

(3) Room and board arrangements for a maximum of five unrelated persons in existing dwelling.

(4) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the county inventory as historic property.

(5) A forest homestead dwelling on a partition established under LCC 924.728.

(6) A forest-resource dwelling on a partition established under LCC 924.729.

(7) Caretaker residence for public parks and fish hatcheries.

(8) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §9 eff 6/30/99; amd 16-370 §3 eff 12/14/16]

928.628 Dwellings, soil dependent, permitted in the forest area of the F/F zoning district through Type IIA conditional use review

(A) The uses set forth in subsection (B), including principal and accessory buildings, may be permitted in the forest area of the F/F zoning district based on soil classification, subject to a Type IIA conditional use permit review process, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Dwellings permitted conditionally.*

(1) Pre-85 forestland dwelling, subject to the additional criteria in LCC 933.720.

(2) One single-family alternative forestland dwelling, subject to the additional criteria in LCC 933.750.

(3) A wildlife management dwelling, subject to LCC 933.790.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98]

928.630 Non-dwelling, non-soil-dependent uses permitted in the F/F zoning district through Type IIIB conditional use review

(A) The uses set forth in subsection (B) including principal and accessory buildings may be permitted in the F/F zoning district regardless of soil classification, subject to a Type IIIB conditional use review, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally on any soil types.*

(1) Public Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community, subject to LCC 933.320. A community center authorized under this paragraph 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.

(2) Firearms training facility.

(a) New facilities.

(b) Existing facilities. Expansion of a lawfully existing firearms training facility or a change of use of a lawfully existing firearms training facility shall require review and approval either through provisions of Code regulating nonconforming uses or through provisions regulating conditional uses, whichever is applicable.

(3) Aggregate materials, subject to LCC 921.540 to 921.568.

(a) Mining, crushing, processing, or stockpiling aggregate materials, subject to ORS 215.298.

(b) Batching aggregate materials.

(i) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement.

(ii) New uses 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.

(4) Non-aggregate minerals and non-mineral subsurface resources. Mining, crushing, processing, or stockpiling subject to ORS 215.298.

(5) Youth camps.

(6) An outdoor gathering of more than 3000 persons that is anticipated to continue for more than 120 hours in any three-month period subject to the applicable provisions of LCC Chapter 580 (Outdoor Assembly Peace, Health, Safety, and Welfare Code) and ORS 433.763.

(7) Commercial dog boarding kennels subject to LCC 932.400 to 932.440.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 2000-119 §2 eff 3/28/00; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.631 Non-dwelling, soil-dependent uses permitted in the F/F zoning district through Type IIIB conditional use review

(A) The uses set forth in subsection (B) including principal and accessory buildings may be permitted in the F/F zoning district based on soil classification, subject to a Type IIIB conditional use review, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally on non-HVFL.* The uses set forth in this subsection may be permitted if on non-HVFL.

(1) Private parks, playgrounds, and fishing and hunting preserves and campgrounds subject to LCC 933.320. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 camp-

sites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

(2) A site for the disposal of solid waste which has been granted a permit by the Department of Environmental Quality under ORS 459.245, together with equipment, facilities, or building necessary for its operation subject to LCC 932.500 to 932.580; and

(3) Golf courses subject to LCC 932.955 and 933.320.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.636 Dwellings, soil-dependent, permitted in the farm area of the F/F zoning district through Type IIIB conditional use review

(A) The uses set forth in subsection (B) including principal and accessory buildings may be permitted in the farm area of the F/F zoning district based on the predominant use on January 1, 1993, and based on soil classification, subject to a Type IIIB conditional use review, if the decision criteria applicable to the use and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) Pre-85 HVFL-1 single-family dwelling, subject to LCC 933.708.

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 16-070 §6 eff 4/13/16]

[928.686 to 928.899 are reserved for future use.]

IV. FOREST CONSERVATION AND MANAGEMENT (FCM) ZONING DISTRICT

928.900 Statement of purpose

The purpose of the FCM zoning district is:

(A) to retain forest lands for commercial cultivation, management, protection and harvest of forest crops;

(B) to provide for the protection of fish and wildlife habitats, watersheds, scenic resources and air, water and land resource quality;

(C) to allow for public and private outdoor recreational uses; and

(D) to provide for land uses compatible with forest practices.

[Adopted 98-002 §3 eff 3/4/98]

928.907 Definitions

For purposes of LCC 928.900 to 928.999:

(A) “**Auxiliary**” means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice or operation.

(B) “**Auxiliary structure**” means a structure that is located on site, temporary in nature, and is not designed to remain for the forest’s entire growth cycle from planting to harvesting.

(C) “**Forest practices**” means any operation conducted on or pertaining to forestland, including but not limited to:

- (1) Reforestation of forestland;
- (2) Road construction and maintenance;
- (3) Harvesting of forest tree species;
- (4) Application of chemicals;
- (5) Disposal of slash; and
- (6) Removal of woody biomass.

(D) “**Operation**,” in reference to forestry, means any commercial activity relating to the growing or harvesting of forest tree species. The term includes such activities as the growing, cultivating, spraying, thinning, pruning, protecting, harvesting through cutting, and transporting of such species.

[Adopted 98-002 §3 eff 3/4/98; formerly at LCC 928.910; amd 99-121 §9 eff 6/30/99 (see ORS 527.620 and OAR Chapter 629; amd 16-070 §6 eff 4/13/16)]

928.909 Auxiliary uses

An auxiliary use, including an auxiliary structure:

(A) may be used only during the term of a particular forest operation; and

(B) shall be removed when the particular forest practice has concluded.

[Adopted 99-121 §9 eff 6/30/99]

928.910 Non-dwelling uses allowed outright in the FCM zoning district

(A) The uses, set forth in subsection (B), including principal and accessory buildings are allowed outright in the FCM zoning district.

(B) *Uses allowed outright.*

- (1) Forest operations or forest practices.
- (2) Auxiliary structures.
- (3) Buildings, other than dwellings, customarily provided in conjunction with farm or forest use.
- (4) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of:
 - (a) exploration, mining, commercial gravel extraction and processing,
 - (b) solid waste disposal sites,
 - (c) dams,
 - (d) reservoirs,
 - (e) road construction, or
 - (f) recreational facilities.
- (5) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
- (6) Farm use. Marijuana production is subject to compliance with LCC 940.400.
- (7) Local distribution lines (including but not limited to electric, telephone and natural gas facilities) and accessory equipment (such as electric, telephone and natural gas lines, electric distribution transformers, meter cabinets, terminal boxes, and pedestals), or equipment which provides service hookups, including water service hookups.
- (8) Temporary portable facility for the primary processing of forest products.
- (9) Operation for the exploration for and production of geothermal resources as defined in ORS 522.005.
- (10) Operation for the exploration for and production of oil and gas as defined in ORS 522.005.
- (11) Operation for the exploration for minerals as defined in ORS 517.750.

(12) Private hunting and fishing operations without any lodging accommodations.

(13) Towers and fire stations for forest fire protection.

(14) The following transportation improvements including roads, highways and airports:

- (a) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
- (b) Reconstruction or modification of public roads or highways not including the addition of travel lanes, where no removal or displacement of buildings would occur or no new units of land would result.
- (c) Temporary public road or highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- (d) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within the right-of-way existing as of July 1, 1987, and contiguous, publicly-owned property utilized to support the operation and maintenance of public roads.

(15) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(16) Structures not intended for habitation which are accessory to fish and wildlife enhancement.

(17) A site for the disposal of solid waste, together with equipment, facilities, or building necessary for its operation that has been ordered to be established by the Environmental Quality Commission under ORS 459.049.

(18) One outdoor gathering within any three-month period of 3000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period subject to the applicable provisions of LCC Chapter 580 (Outdoor Assembly Peace, Health, Safety and Welfare Code) and ORS 433.735.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 16-070 §6 eff 4/13/16; amd 16-370 §3 eff 12/14/16]

928.915 Dwellings allowed outright in the FCM zoning district

(A) The uses, including principal and accessory buildings, set forth in subsection (B) are allowed outright in the FCM zoning district.

(B) *Uses allowed outright.*

(1) Temporary forest labor camps.

(2) Alteration, restoration, or replacement of a lawfully established dwelling meeting the criteria in LCC 933.180.

[Adopted 98-002 §3 eff 3/4/98; amd 12-315 §5 eff 12/12/12]

928.920 Non-dwelling uses permitted in the FCM zoning district through Type IIA conditional use review

(A) The uses set forth subsection (B), including principal and accessory buildings, may be permitted in the FCM district subject to a Type IIA conditional use permit review, if the decision criteria in LCC 928.920, any additional criteria that may be specified in this section, and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) Permanent facility for the primary processing of forest products.

(2) Permanent logging equipment repair and storage.

(3) Log scaling and weigh stations.

(4) A site for the disposal of solid waste, together with equipment, facilities or buildings necessary for its operation for which the Department of Environmental Quality has granted a permit under ORS 459.245.

(5) Parks.

(6) Minerals, including aggregate.

(a) Mining, crushing, processing, and stockpiling, subject to ORS 215.298.

(b) Batching aggregate materials.

(i) Temporary asphalt and concrete batch plants as accessory uses to specific public road projects.

(ii) New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard.

(7) Operations conducted for mining and processing of geothermal resources as defined in ORS 522.005.

(8) Operations conducted for mining and processing of oil and gas as defined in ORS 522.005.

(9) Utility facilities for the purpose of generating power. Unless an exception is taken pursuant to OAR 660, Division 4., such facilities shall not preclude the use of commercial forest operation on more than 10 acres.

(10) Television, microwave and radio communication facilities, and transmission towers.

(11) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210.

(12) New distribution lines (e.g., electrical, gas, oil, geothermal resources) with rights-of-way 50 feet or less in width.

(13) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(14) Reservoirs and water impoundments.

(15) Firearms training facility.

(16) Cemeteries.

(17) Fire stations for rural fire protection.

(18) Home occupations and the parking of associated vehicles pursuant to LCC 932.830 to 932.845.

(19) Transportation improvements including roads and airports.

(a) *Transportation improvements subject to LCC 933.310.*

(i) Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new units of land.

(ii) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new units of land.

(iii) Improvement of public road and highway related facilities, such as

maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new units of land.

(iv) Expansion of existing airports.

(v) Aids to navigation and aviation.

(b) Transportation improvements on rural lands allowed by and subject to OAR 660-012-0065.

(20) Private accommodations for fishing occupied on a temporary basis may be allowed if the accommodations are:

(a) limited to no more than 15 guest rooms as that term is defined in the *Oregon Structural Specialty Code*;

(b) limited to only minor, incidental and accessory retail sales are permitted;

(c) occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) located within ¼ mile of fish bearing Class I waters; and

(e) in compliance with the siting standards in LCC 934.590.

(21) Private seasonal accommodations for fee hunting operations may be allowed if the accommodations are:

(a) limited to no more than 15 guest rooms as that term is defined in the *Oregon Structural Specialty Code*;

(b) limited to only minor, incidental and accessory retail sales are permitted; and

(c) occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) in compliance with the siting standards in LCC 934.590.

(22) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(23) Youth camps.

(24) Parking of no more than seven dump trucks and no more than seven trailers subject only to the conditions set forth in this subparagraph.

(a) The use is subject to applicable laws relating to health and safety; and

(b) The use is subject to LCC 933.310(B)(4).

[Adopted 98-002 §3 eff 3/4/98; amd 98-432 §2 eff 10/21/98; amd 99-121 §9 eff 6/30/99; amd 02-313 §4 eff 8/21/02; amd 12-315 §5 eff 12/12/12; amd 16-070 §6 eff 4/13/16]

928.935 Dwellings permitted in the FCM zoning district through Type IIA conditional use review

(A) The uses set forth subsection (B), including principal and accessory buildings, may be permitted in the FCM district subject to a Type IIA conditional use permit review, if the decision criteria in LCC 928.920, any additional criteria that may be specified in this section, and other requirements of law are met.

(B) *Uses permitted conditionally.*

(1) One medical hardship dwelling, subject to LCC 932.860 to 932.895.

(2) Residential home in an existing dwelling, subject to ORS 197.660.

(3) An existing authorized dwelling that by a partitioning under LCC 924.622 becomes a forest homestead.

(4) Alteration, restoration, or replacement of a lawfully established dwelling requiring that the Director make a decision based on a review of information not limited to the development permit application.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §9 eff 6/30/99; amd 16-070 §6 eff 4/13/16]

[928.931 to 928.999 are reserved for future use.]

Statutory References and Other Authorities:
ORS 197; 203; 215; 308; 321; 368; 459; 517; 520; 522; 526; 527; 537; 722; 772; OAR 660 Divs. 04, 012, 033, and 035.

Legislative History of Chapter 928:

Adopted 98-002 eff 3/4/98

Amendments to 98-002

- #1 98-432 eff 10/21/98
 - #2 99-121 §9 eff 6/30/99
 - #3 2000-119 §2 eff 3/28/00
 - #4 02-313 §4 eff 8/21/02
 - #5 12-315 §5 eff 12/12/12
 - #6 16-070 §6 eff 4/13/16
 - #7 16-370 §3 eff 12/14/16
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