

**344 AGRICULTURE AND FOREST DISTRICT (AF-20)**

**344-1 Intent and Purpose**

The intent of the Exclusive Agriculture and Forest AF-20 District is to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal.

The purpose of the District is to allow EFU uses and parcels, and through the provisions of Section 425, to provide a process and criteria for identifying marginal lands within the District. In addition, Section 344-8 provides for special uses for lands so identified.

This AF-20 District is provided to meet Oregon statutory and administrative rule requirements.

**344-2 Definitions**

Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein (e.g., High-value farmland, tract, date of creation). Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in OAR.

**344-3 Uses Permitted Through a Type I Procedure**

The following uses 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.

344-3.1 Accessory Uses and Structures - Section 430-1.

344-3.2 Alteration, restoration or replacement of a lawfully established dwelling. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.1, 8.3, and 8.4.

344-3.3 Deferred replacement permit – Section 430-8.4.

344-3.4 Property Line Adjustment - Section 610-1.1.

344-3.5 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

**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:

- A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- B. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-8.2, 8.3, and 8.4.
- C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
- D. Facility for the processing of farm crops or the processing of biofuel, as defined in ORS 315.141, located on a farm operation that provides at least one-quarter ( $\frac{1}{4}$ ) of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. 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.
- E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8).
- F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- G. One Detached Dwelling Unit not provided in conjunction with farm use on a site up to three (3) acres. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-85.3 (Nonfarm Dwelling).
- H. Operations for the exploration of geothermal resources as defined by ORS 522.005 and for the exploration of oil and gas as defined by ORS 520.005 within a flood plain or drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
- I. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement

and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

- J. Property Line Adjustment - See Section 610-1.1 for required standards.
- K. Broadcast and Communication towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.
- L. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.
- M. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of this Section, replacement means to provide one additional dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than five-hundred (500) square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this requirement. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this requirement. For the purpose of this requirement, "model aircraft" means a small-scale version of an airplane, glide, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- O. Schools - 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, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- P. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
- Q. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
- R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 344-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 (Utility facilities necessary for public service).

- S. Utility facilities (except water and sewer facilities) - The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way when in a flood plain or drainage hazard area.
- T. Winery - Section 430-145.1.
- U. Fire service facilities providing rural fire protection services.
- V. Unless exempt under 201-2, importing fill material as a customarily accepted farming practice or for a use allowed in the district – Section 410.

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

- A. Commercial Activities in Conjunction with Farm Use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(L) or as described in Section 344-4.1 D. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
  - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
  - (2) Is situated on a lot or parcel existing on November 4, 1993;
  - (3) Qualifies for a farm dwelling under ORS 215.213 (2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
  - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- E. Forest Products, Primary Processing - Section 430-47.
- F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.

- G. 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 land parcels.
- H. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- I. Operations for the extraction and bottling of water.
- J. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- L. 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.
- M. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- P. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 344-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- Q. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing 344-4.3 provided at the time of Master Plan approval as evidence of compliance with ORS 215.296.
- R. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.
- S. A landscaping 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 the primary farm use.

## 344-4.3 Required Findings:

The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
- B. 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.

344-4.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

**344-5 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 344-5.1 and 344-5.2 may be 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 344-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

344-5.1 Uses which may be allowed, but are not subject to Section 344-5.3:

- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half mile of a community college.
- B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is exempt from Section 344-5.3. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Kennels for breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85.
- E. Operations for the exploration of minerals as defined by ORS 517.750.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.

- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024 (1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.
- D. Firearms training facility as provided in ORS 197.770.
- E. Golf Course - Section 430-50. This use is not permitted on high-value farmland.
- F. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland.
- G. Living History Museum - Section 430-74.
- H. Kennels, except the breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- I. Operations conducted for:
  - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under Section 344-4.1 H;
  - (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to the following:
    - (a) A development permit is required for mining more than one-thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre;
    - (b) A development permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Rural Natural Resource Plan which has been acknowledged by the Land Conservation and Development Commission; and
    - (c) For the purposes of this Section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials

conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines;

- (3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, except processing of aggregate into asphalt cement when located within two (2) miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling forty (40) acres or more that are planted as of the date the application for batching and blending (processing) is filed. Asphalt batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and
- (4) Processing of other mineral resources and other subsurface resources.
- J. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103.
- K. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.
- L. Utility facility (commercial) for the generation of power for sale for public use - Section 430-141.
- M. Broadcast and Communication towers greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height.

344-5.3 Required findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. 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; or
  - (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.

344-5.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

**344-6 Prohibited Uses**

344-6.1 Structures or uses of land not specifically authorized by Section 344.

344-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.

344-6.3 Outdoor advertising displays and structures except as provided in Section 414.

344-6.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing, June, 1983 airport year 2000 LDN fifty-five (55) contour.

344-6.5 Auto wrecking yards.

344-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.

344-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**344-7 Creation of Lots or Parcels by a Land Division**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

344-7.1 Creation of lots or parcels for farm use not less than eighty (80) acres or more through a Type II procedure - Section 424-1.

344-7.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.

344-7.3 Creation of lots or parcels for nonfarm uses, not including a dwelling, through a Type II procedure - Section 424-4.

344-7.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.

344-7.5 Creation of a parcel with an existing dwelling to be used as a residential home, as defined in Subsection 106-179, through a Type III procedure - Section 424-6.

**344-8 Marginal Lands**

344-8.1 Designation of Marginal Lands through a Type II procedure - Section 425.

344-8.2 All uses allowed under Section 344-3, 344-4 and 344-5 are allowed on marginal lands under the same procedures and standards.

344-8.3 Uses permitted through a Type I Procedure.

The following uses are permitted subject to the applicable standards as set forth in Article IV and as may otherwise be indicated:

A. Detached dwelling (one) on any size lot or parcel:

- (1) If the lot or parcel were created prior to July 1, 1983;
- (2) Is subject to all flood plain or hazard area regulations; and
- (3) When the applicant signs and records, in agreement form, in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against commonly accepted farm or forest practices which may occur on adjacent lands.

B. Intensive farm or forest operations including but not limited to farm use as defined in ORS 215.203.

C. Part-time farms.

D. Wood lots.

344-8.4 Other than the additional uses of Section 344-8.3 all lands designated marginal are subject to all of the other provisions of the AF-20 District.

344-8.5 Land designated as marginal shall not qualify for assessment as zoned farmland.

**344-9 Dimensional Requirements**

344-9.1 Lot area:

See Section 344-7 - Creation of Parcels.

344-9.2 Yard Requirements:

The minimum requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;.
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

344-9.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

344-9.4 Minimum lot width at the street:

The minimum width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.

**344-10 Access**

All lots in this District shall either:

344-10.1 Abut a public street; or

344-10.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

344-10.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographic location. Where no fire protection agency has jurisdiction, access ways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

**344-11 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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