

**SECTION 3.010. EXCLUSIVE FARM USE, EFU ZONE.** In an EFU Zone, the following regulations shall apply:

A. **PURPOSE:** The purpose of the Exclusive Farm Use Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs, including economic needs that pertain to the production of agricultural products, and to permit the establishment of only those uses that are compatible with agricultural activities.

Uses, buildings, or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Exclusive Farm Use Zone shall comply with the following regulations.

B. **DEFINITIONS**

1. **Agricultural Land:** as defined in OAR 660-33-020 and Article 1 of this Ordinance.

2. **Farm Use:** as defined in ORS 215.203 and in Article 1 of this Ordinance.

3. **High Value Farmland:** as defined in ORS 215.710. (For information about soil classification, refer also to the "Soil Survey of Morrow County, Oregon.")

4. **Date of Creation and Existence:** When a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

5. **Tract:** One or more contiguous lots or parcels under the same ownership, including lots or parcels divided by a County or Public Road, or contiguous at a common point. Lots divided by a State Highway are not considered contiguous.

6. **Golf Course:** An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a

fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of ORS 215.213(2)(f), 215.283(2)(3) is more clearly defined in OAR 660-033-130(20).

7. Irrigated: Land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, or receives water for irrigation from a water or irrigation district or other provider.

8. Farm Stand: A use or structure designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.

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

C. USES PERMITTED OUTRIGHT. In an EFU Zone the following uses and accessory uses thereof are permitted outright:

1. Farm use as defined by ORS 215.203 and Article 1 of this ordinance, except a use specified in subsection (2) of this section.
2. Propagation or harvesting of a forest product.
3. Buildings other than dwellings customarily provided in conjunction with farm use.

4. One single family dwelling subject to Section (E) below and Section 4.110, customarily provided in conjunction with farm use.

5. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to Section (E) below.

6. A replacement dwelling may be sited on any part of the same lot or parcel, subject to siting standards in this ordinance. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, the applicant, as a condition of approval, shall execute and record a deed with the County Clerk, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Planning Director and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.

7. Creation, restoration and enhancement of wetlands.

8. Creation, restoration and enhancement of wildlife habitat.

9. Climbing and passing lanes within a highway right-of-way existing as of July 1, 1987.

10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels. (MC-C-8-98)

11. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (MC-C-8-98)

12. Minor betterment of existing public roads and highway facilities, such as maintenance yards, weight stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (MC-C-8-98)

13. Alteration, restoration or replacement of a lawfully established dwelling that meets all the following criteria:

- a. Has intact interior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring or interior lights;
- d. Has a heating system; and
- e. In the case of replacement, is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling.

14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:

- a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
- b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.

15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in an inventory of historic property and is listed on the National Register of Historic Places.

16. Utility and transmission towers not exceeding 200 feet in height.

17. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4, and further that no such use may be authorized on high value farmland.

18. Churches and cemeteries in conjunction with churches except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland.

19. A site for the disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.

20. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

21. Operations for the exploration 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. (Processing of said resources is a conditional use.)

22. Seasonal farm worker housing provided for seasonal farm workers as defined in ORS 197.675 and to be occupied for no more than nine months not to exceed 273 days within any calendar year. The housing shall also meet the requirements of ORS 197.685.

23. A winery as described in ORS 215.452.

24. Subdivisions and Series Partitions for the purpose of establishing "non-farm dwellings" pursuant to ORS 92.010 - 92.190, and 92.305-92.495 are prohibited in the Exclusive Farm Use Zone.

25. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

26. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary, subject to restrictions of OAR 660-033-130(26).

D. CONDITIONAL USES PERMITTED. In an EFU Zone, the following uses and their accessory uses are permitted subject to demonstration of compliance with the requirements of Article 6 of this ordinance and Section (G) below:

1. Single-family residential dwellings including mobile homes subject to Section 4.110 of this ordinance, not provided in conjunction with farm use, subject to approval pursuant to the limitations set forth by section (F) below.

2. One single family dwelling on a tract of record, meeting the following qualifications:

a. The lot or parcel on which the dwelling will be sited was lawfully created and owned continuously by the present owner as defined in the definitions section:

(1) Since prior to January 1, 1985; or

(2) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

b. The tract upon which the dwelling is to be sited does not include another dwelling.

c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

d. The lot or parcel upon which the dwelling is to be sited is not on high value farmland as defined in the definitions section.

e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.

f. The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this section.

g. Land use approval for a single family dwelling meeting requirements of this section may be transferred one time to any other person, prior to issuance of a building permit.

h. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

i. Notwithstanding the requirements of paragraph d, a single-family dwelling may be sited on high-value farmland if:

(1) It meets the other requirements of this section.

(2) The lot or parcel is protected as high-value farmland as defined in OAR 660-33-020(8)(a); and

(3) The Planning Commission determines that:

(a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, the criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use.

3. Accessory (secondary) farm dwellings, including mobile homes subject to Section 4.110, customarily provided in conjunction with farm use and meeting the following minimum requirements:.

a. It meets all the following requirements:

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

(2) The accessory dwelling will be located:

(a) On the same lot or parcel as the dwelling of the principal farm dwelling; or

(b) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all

other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the principal farm dwelling is located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved under these rules.

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

b. In addition to the requirements in subsection a, above, the principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(1) On land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

(a) At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(b) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(2) On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

c. The county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of Section (E), a parcel may be created consistent with the minimum parcel size requirements in Section (H).

d. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section (F).

e. As a condition of approval, the landowner for the dwelling shall sign and record in the Morrow County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

4. One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a

temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A medical hardship dwelling may be permitted subject to conformance with the following:

- a. A manufactured dwelling allowed under this provision is a temporary use for the term of hardship suffered by the existing resident or relative.
  - b. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.
  - c. When the hardship ends, the manufactured home shall be removed and may not be used to justify a dwelling under any other provision of this ordinance.
  - d. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons.
  - e. The Planning Commission or Planning Director shall review the permit authorizing such manufactured home every two years.
  - f. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use. A temporary residence approved under this section is not eligible for replacement under ORS 215.213(1)(u) or 215.283(1)(t).
5. Residential home as defined in ORS 197.675 in an existing dwelling.
  6. Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence.
  7. Livestock sales yard, hog or mink farm within one mile of a lot in a residential zone.

8. Commercial activities that are in conjunction with farm uses but not including the processing of farm crops pursuant to ORS 215.213(1)(x) and 215.283(1)(u).

9. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species. An application for insect species shall also be subject to OAR 660-033-0130(27).

10. Operations conducted for the exploration, 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.

11. Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and Article 6 of this Ordinance.

12. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard, which is planted as of the date that the application for asphalt production is filed, and subject to Article 6 of this Ordinance.

13. Private parks, playgrounds, hunting and fishing preserves and campgrounds except that such uses as are prohibited on high value farmland. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. A campground shall meet the definition and criteria established in OAR 660-033-130(19).

14. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

15. Golf Courses except that such uses are prohibited on high value farmland.

16. Commercial utility facilities for the purposes of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.

17. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the factors listed in OAR 660-033-0130(16).

18. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1976 shall continue to be permitted subject to any application regulations of the Aeronautics Division.

19. Home occupation. Home occupations may be permitted in accordance with the following:

On High Value lands:

- a. Homes occupations may only be authorized in an existing dwelling and structures accessory to an existing dwelling.

- b. Home occupations may not be authorized in structures accessory to resource use.
- c. A home occupation located on high-value farmland may employ only residents of the home.

On all other EFU lands:

- a. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.
- b. A home occupation shall employ on the site no more than five full time or part time persons.
- c. The home occupation shall be operated substantially in the dwelling; or other buildings normally associated with uses permitted in the zone in which the property is located.
- d. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- e. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

20. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203.

21. Dog kennels, except that such uses are prohibited on high value farmland.

22. A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

23. Construction of additional passing and travel lanes requiring the acquisition of right-of-way, but not resulting in the creation of new land parcels.

24. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

25. Improvement of public roads 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.

26. Farm ranch recreation, pursuant to Oregon Law Chapter 728 (1997), in conjunction with a commercial farming or ranching operation subject to Article 6.

27. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.

28. Expansion or relocation of existing county fair and rodeo grounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210. (MC-03-05)

29. Operations for the extraction and bottling of water.

30. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96-020.

31. A wildlife habitat conservation and management plan pursuant to ORS 215.804.

32. A facility for the processing of farm crops, subject to OAR 660-033-0130(28).

33. A living history museum as defined in and in accordance with the criteria established in OAR 660-033-0130(21).

34. Utility facility service 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.

35. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this Section.

36. Any gathering subject to review by the Planning Commission under the provisions of ORS 433.763. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.

D. LIMITATIONS ON CONDITIONAL USES In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Article 6 of this ordinance, the following limitations shall apply to a Conditional Use in the EFU Zone.

- 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- 2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

E. REQUIREMENTS FOR DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

- 1. High Value Land. On land identified as high value farm land, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

b. Except as permitted in ORS 215.283(1)(q), there is no other dwelling on the subject tract.

c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

d. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

2. 160-acre test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The parcel on which the dwelling will be located is at least 160 acres.

b. The subject tract is currently employed for farm use, as defined in ORS 215.203.

c. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no accessory dwelling for farm help may be authorized.

d. There is no other dwelling on the subject tract.

3. Income Test. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years gross annual income of at least \$40,000; and

b. There is no other dwelling on the subject tract;  
and

c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in (a) above.

d. In determining the gross income required by the subsection the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.

4. Capability Test. If the county prepares the potential gross sales figures pursuant to OAR 660-33-0135(4), the county may determine that, on land not identified as high value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.

b. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection a above.

c. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in subsection b above.

d. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres in size.

e. Except as permitted in ORS 215.283(1)(p), there is no other dwelling on the subject tract.

f. If no farm use has been established at the time of application, land use approval shall be subject

to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection c above.

g. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

F. REQUIREMENTS FOR DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE. Dwelling not provided in conjunction with farm use may be authorized upon findings that:

1. There is no other dwelling on the parcel.
2. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern of the area, the county shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:
  - a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban

residential or other urban or nonresource uses shall not be included in the study area.

b. Identify within the study area the broad types of farm use (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwelling (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subparagraph.

c. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

4. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

5. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

6. Shall not be located within one mile of a livestock commercial feedlot, livestock sales yard, slaughter house, hog or mink farm, or within one-quarter (1/4) mile of agricultural lands capable of being intensively farmed, unless adequate provisions are provided and approved by the Commission for a buffer between such uses. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of such proposed use or the agriculture of the area.

G. Dimensional Standards. In an EFU Zone, the following dimensional standards shall apply:

1. A lot or parcel of 160 acres or more shall be considered a farm unit.
2. A lot or parcel of less than 160 acres may be approved as a farm unit pursuant to the Conditional Use Permit process and when found to comply with the Agricultural Lands policies of the Comprehensive Plan and the provisions of Section 5.120 of the Morrow County Subdivision Ordinance.
3. The minimum average lot width shall be 150 feet with a minimum street frontage of 150 feet, excepting lots within an approved subdivision.
4. The minimum average lot depth shall be 150 feet.
5. Big Game Range Restrictions: In the case of Farm Use areas identified as Big Game Habitat no dwelling will be authorized where the overall density within a square mile exceeds one dwelling per 160 acres. Section 3.200 also applies to the siting of a dwelling on Big Game Habitat.
6. New parcels for nonfarm uses only as authorized by ORS 215.263 may be created. Such new parcels shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law except as required for the nonfarm dwellings authorized by Section F. The creation of new lots or parcels for dwellings not in conjunction with farm use may be created pursuant to Section F and ORS 215.263(4). The county shall not approve a subdivision or series partition for a dwelling not provided in conjunction with farm use. The provisions of this subsection regarding a series partition apply only to applications for a land division submitted after July 1, 1997. For purposes of this subsection, "series partition" shall have the meaning given that term in ORS 92.305.

H. Yards. In an EFU Zone, the minimum yard setback requirements shall be as follows:

1. The front yard setback from the property line shall be a minimum of 100 feet if the property line is adjacent to an intensive agricultural use except as approved by the Commission; otherwise, front yards shall be 20 feet for property fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the County.

2. Each side yard shall be a minimum of 20 feet except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet, except as approved by the Commission.

3. Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet, except as approved by the Commission.

4. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

#### I. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent

trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)

J. Permit Expiration Dates. In an EFU Zone, A Zoning Permit or Conditional Use Permit is void two years from the date of the final decision of the development action is not initiated in that period. An extension of up to 12 months may be granted if:

1. An applicant makes a written request for an extension;
2. The request is submitted to the county prior to the expiration of the approval period;
3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and
4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
5. Approval of an extension granted under this provision is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed. (MC-C-9-98)