

IN THE COUNTY COURT OF THE STATE OF OREGON

JUN 21 9 11 AM '99

IN AND FOR THE COUNTY OF WASCO

KAREN R. LEBRETON
COUNTY CLERK

IN THE MATTER OF PROPOSED POST-)
 ACKNOWLEDGEMENT LEGISLATIVE AMENDMENTS TO)
 THE WASCO COUNTY LAND USE AND DEVELOPMENT)
 ORDINANCE, CHAPTER 3, SECTION 3.210 "A-1")Ordinance Number 99-103
 EXCLUSIVE FARM USE ZONE (LUA-99-103-ZO-L).)
)
)

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on January 12, 1999, the Wasco County Agricultural Resource Group Review Subcommittee convened to review proposed legislative amendments to the Wasco County Land Use and Development Ordinance, Exclusive Farm Use zone provisions, to bring those documents into compliance with Oregon Administrative Rules and relevant case law. In addition, changes were proposed to the 'Lot of Record' and 'Dwelling for the Relative of the Farm Operator' standards in response to citizen concerns. The subcommittee reviewed the proposals and made a recommendation to the Wasco County Planning Commission; and

IT FURTHER APPEARING TO THE COURT: That on Tuesday, May 4, 1999, in the Columbia Gorge Community College Board Room #1.139, The Dalles, Oregon, the Wasco County Planning Commission met to conduct a legally notified legislative public hearing on the above matter. Those members of the Planning Commission present were determined to be qualified to hear the matter.

Chairman Sandee Burbank read aloud the rules of evidence. The Planning Commission reviewed the record and received all testimony and evidence, then closed the public hearing; and

IT FURTHER APPEARING TO THE COURT: That the Planning Commission then deliberated, and based upon the full record and evidence and testimony presented, voted 7-0 to recommend to the County Court the approval of the proposed ordinance amendments via Resolution 99-101; and

IT FURTHER APPEARING TO THE COURT: That at 1:30 p.m. on June 9, 1999, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a legislative public hearing on the above matter. The members of the Court were determined to be qualified to hear the matter, and

IT FURTHER APPEARING TO THE COURT: That the Court reviewed the record of the Planning Commission, heard the Staff report and received all testimony and evidence from the parties, then closed the hearing for further input. The Court then deliberated, resulting in a 3-0 vote to adopt the proposed legislative amendments to the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance, Exclusive Farm Use zone provisions, as proposed by the Agricultural Resource Group and recommended for approval, by the Wasco County Planning Commission. Based upon the full record and evidence and testimony presented, the Court being fully apprised in the premises, did hereby make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County Comprehensive Plan.
2. All members of the County Court were present and were qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by the Court;

990183 (35)

3. In making its decision, the Court recognizes the procedural and legal requirements of the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance and weighed fully each requirement in arriving at its decision.
4. In making its decision, the County Court recognizes the findings of fact in the Staff Report, including the recommendation from the Agricultural Resource Group Review Subcommittee and the Recommendation from the Wasco County Planning Commission Recommendation dated May 4, 1999.

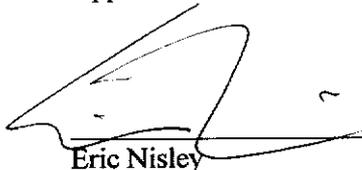
CONCLUSIONS OF LAW

1. The Court adopts the Conclusions of Law as set forth in the Staff Report dated June 9, 1999, finding that the proposed amendments to the text of the A-1 Zone are consistent with applicable State Law, Oregon Administrative Rules, the interpretations found in relevant case law and the requirements of the Wasco County Comprehensive Plan and Land Use and Development Ordinance.
2. The recommended amendments to the A-1 Zone are the result of the annual audit procedure performed by the Agricultural Resource Group subcommittee in accordance with Section 3.210.N of the Land Use and Development Ordinance.

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Land Use and Development Ordinance is hereby amended for the A-1 (Exclusive Farm Use) Zone provisions, to bring that document into compliance with State Statutes, Oregon Administrative Rule OAR 660, Division 33, and other changes requested by the Agricultural Resource Group and Planning Commission. The revised Wasco County Land Use and Development Ordinance wording adopted by these ordinance amendments is attached as Exhibit A.

SIGNED this ¹⁴16 day of June, 1999.

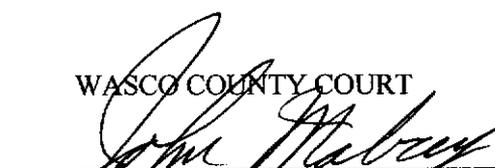
Approved as to Form:



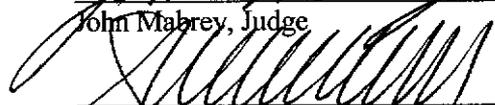
Eric Nisley

Wasco County District Attorney

WASCO COUNTY COURT



John Mabrey, Judge



Scott McKay, Commissioner

Absent
Dan Ericksen, Commissioner

SECTION 3.210 EXCLUSIVE FARM USE ZONE

~~{The following revised ordinance language replaces Wasco County Land Use and Development Ordinance (WCLUDO) Chapter 3 Section 3.210(A) (1) "A-1" Exclusive Farm Use Zone; Chapter 10 Division of Non-Resource Land in Designated Resource Areas; Chapter 11 Approval of A Non-Farm/Non-Forest Dwelling on Substandard Lot of Record in the A-1 Exclusive Farm Use Zone or the FF Forest Farm Zone; Chapter 12 Application For a Farm or Forest Related Dwelling (Primary Structure) On a Non-Conforming Lot of Record in the A-1 Exclusive Farm Use or FF Forest Farm Zones. The following revised ordinance repeals the above mentioned Wasco County Land Use and Development Ordinance WCLUDO Chapters.}~~

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 **consistent with the applicable Statutory and Administrative Rule provisions of ORS Chapter 215 and OAR Chapter 660, Division 33.**

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. Uses Permitted Outright

At the option of the owner, the following uses and their accessory uses are permitted subject to the applicable provisions set forth by this ordinance.

1. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Appendix A, Definitions.
2. Buildings other than dwellings customarily provided in conjunction with farm use
3. One single family dwelling customarily provided in conjunction with farm use, subject to WCLUDO 3.210(D).
4. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to WCLUDO 3.210(F) of this ordinance.

5. A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:

- a. The relative is a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse; and**
- b. The relative occupying the dwelling will provide assistance in the management and farm use of the existing commercial farming operation is required by the farm operator; and**
- c. The farm operator shall continue to play the predominant role in the management and farm use of the farm; and**
- d. The land owner for the dwelling shall sign and record in the deed records for the county, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.**

~~[6]~~16. Propagation and harvesting of a forest product

~~[6]~~17. Creation, restoration and enhancement of wetlands

~~[7]~~18. Creation, restoration and enhancement of wildlife habitat

~~[8]~~19. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.

~~[9]~~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.

~~[40]~~11. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.

~~[44]~~12. 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.

~~[42]~~**13.** Alteration, restoration or replacement of a lawfully established dwelling. Any replacement dwelling which meets the requirements listed below may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, record a deed restriction prohibiting the future siting of a dwelling on that non-EFU portion of the lot or parcel. The deed restriction shall be noted on Planning Department records. A release from the deed restriction may only occur if the statute regarding replacement dwelling changes or if there is a change in the zone designation (revised 6/98).

- 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 nonresidential use within 90 days of completion of the replacement dwelling.

~~[43]~~**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.

~~[44]~~**15.** A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places.

~~[45]~~**16.** Utility and transmission towers not exceeding 200 feet in height.

- [~~16~~]**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. Where such use is permitted, it is subject to review to ensure compliance with applicable siting and design standards (revised 6/98).
- [~~17~~]**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. Where such use is permitted, it is subject to review to ensure compliance with applicable siting and design standards (revised 6/98).
- [~~18~~]**19**. 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).
- [~~19~~]**20**. 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.)
- [~~20~~]**21**. Seasonal Farm worker housing provided for seasonal farm workers as defined, and to be occupied for no more than nine months not to exceed 273 days within any calendar year and subject to WCLUDO 3.210(H).
- [~~24~~]**22**. A winery as described in ORS 215.452.
- [~~22~~]**23**. Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone. This provision applies only to applications for a land division submitted after July 1, 1997. (revised 6/98)
- [~~23~~]**24**. Model Aircraft take-off and landing sites as described in ORS 215.283(1) subject to review to ensure compliance with applicable siting and design standards. (added 6/98)

~~[24]~~**25.** On-site filming and related accessory uses may be conducted without prior approval (provided the use does not exceed 45 days) and subject to the conditions in Appendix G. On-site filming in excess of 45 days is a conditional use. (added 6/98)

26. 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 deemed to be "necessary" if it must be situated in an agricultural zone in order for the distribution of power to area customers.

27. {NOTE: The Lot of Record Standards have been moved here from their previous location in Section 3.210C. – Conditional Uses. They are listed below as originally set forth in Section 3.210C. with changes shown in Bold/strikeout format.}

One single family dwelling on a lot or tract of record less than 80 acres, which does not otherwise qualify for a dwelling pursuant to Section C.1. and which meets{ing} the following qualifications:

- a. The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired **and owned continuously** by the present owner:
 - (1) **Since before** ~~[Prior to]~~ January 1, 1985; or
 - (2) By devise or by intestate succession from a person who acquired **and had owned continuously** the lot or parcel **since before** ~~[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, and no dwelling exists on another lot or parcel that was part of that tract.**
- d.~~[e]~~ The tract on which the dwelling is to be sited is not high value farmland as defined in the definitions section.

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

NOTE: New text is in **Bold**; text to be deleted is in [strikeout]

- [d.] ~~[The lot or parcel upon which the dwelling is to be sited must comply with standards for non-farm dwelling, WCLUDO 3.21(E).]~~
- 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 tract on which the dwelling is to be sited is not wholly or partially within the A-1 (40) Zone.**
- g. [f.] The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this subsection WCLUDO 3.210(C)(2).
- h. [g.] As used in subsection (2)(a) above, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.
- i. [h.] Land use approval for a single family dwelling meeting requirements of this subsection 3.210(C)(2) may be transferred one time to any other person, prior to issuance of building permit. ~~[(Result of 1995 legislative changes)]~~

C. Conditional Uses

The following uses and their accessory uses may be permitted subject to demonstration of compliance with the applicable standards and provisions of this Ordinance, specifically WCLUDO Chapter 5 - Conditional Use Standards. **For each of the uses listed below, the Review Authority shall make specific findings with respect to Section 3.210C.26.** {NOTE: This section has been moved from Chapter 5 (Conditional Uses) and is part of Ordinance 99-101-ZO-L; it is required by State Law}

- 1. One single family dwelling not provided in conjunction with farm use, subject to WCLUDO 3.210(E).
- [2.] {NOTE: Lot of Record Dwelling Standards have been moved to Section 3.210B.26 and have been amended as set forth in that Section}
[One single family dwelling on a tract of record meeting the following qualifications:]

NOTE: New text is in **Bold**; text to be deleted is in [strikeout]
Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

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- a. ~~The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired by the present owner:~~
 - (1) ~~Prior to January 1, 1985; or~~
 - (2) ~~By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.~~
- b. ~~The tract upon which the dwelling is to be sited does not include another dwelling.~~
- c. ~~The tract on which the dwelling is to be sited is not high value farmland as defined in the definitions section.~~
- d. ~~The lot or parcel upon which the dwelling is to be sited must comply with standards for non farm dwelling, WCLUDO 3.21(E).~~
- 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 subsection WCLUDO 3.210(C)(2).~~
- g. ~~As used in subsection (2)(a) above, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.~~
- h. ~~Land use approval for a single family dwelling meeting requirements of this subsection 3.210(C)(2) may be transferred one time to any other person, prior to issuance of building permit. (Result of 1995 legislative changes.)~~

[3-]2. A medical hardship dwelling. A medical hardship dwelling in conformance with the following:

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

NOTE: New text is in **Bold**; text to be deleted is in [strikeout]

- a. A manufactured dwelling or the temporary residential use of an existing building is allowed under this provision for the term of hardship suffered by the existing resident or relative. ~~[[{amended-6/98}]]~~
- b. The dwelling shall use the same subsurface sewage disposal system used by the primary dwelling, if that disposal system is adequate to accommodate the additional dwelling. ~~[[{amended-6/98}]]~~
- c. If the temporary dwelling will use a public sanitary sewer system, such condition (b) will not be required. ~~[[{amended-6/98}]]~~
- d. The temporary use for a medical hardship shall be in effect for a maximum of two (2) years, and may be renewed without cost if the permitted resident or relative maintains the medical hardship as authorized by a physician.
- e. When the hardship ends, the temporary dwelling shall be removed, demolished, or converted to a permitted use. It may not be used to justify a dwelling under any other provision of this ordinance. ~~[[{amended 6/98}]]~~
- f. Oregon Department of Environmental Quality review and removal requirements shall be applied as a condition of use.
- g. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons.

~~[4.]~~**3.** Primary processing of forest products.

~~[5.]~~ ~~[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 deemed to be "necessary" if it must be situated in an agricultural zone in order for the distribution of power to area customers.]~~

~~[6.]~~**4.** Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to ORS 215.298 and WCLUDO Section 3.800.

- [7]5. 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 WCLUDO Section 3.800.
- [8]6. Operations for the production of geothermal resources as defined in ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
- [9]7. A site for 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. ~~{(added 6/98)}~~
- [40]8. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species. ~~{(amended 6/98)}~~
- [44]9. Operations for the extraction and bottling of water. (added 6/98)
- [42]10. On-site filming if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. (added 6/98)
- [43]11. Residential home as defined in ORS 197.660 in an existing dwelling. ~~{(amended 6/98)}~~
- [44]12. Commercial activities in conjunction with farm use.
- [45]13. Home occupation. Home occupations may be permitted in accordance with the following:
- On High Value lands:
- a. Home occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.
 - b. Home occupations may not be authorized in structures accessory to resource use.

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

NOTE: New text is in **bold**; text to be deleted is in ~~strikeout~~

- 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; and
- 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.

~~[46]~~**14.** Dog Kennels, except that such uses are prohibited on high value farmland.

~~[47]~~**15.** Personal use airports (as defined) and helicopter pads, including associated hangars, maintenance and service facilities.

~~[48]~~**16.** Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

~~[49]~~**17.** Golf courses except that such uses are prohibited on high value farmland.

~~[20]~~**18.** Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary.

~~[24]~~**19.** Commercial utility facilities for the purpose 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.

~~[22]~~**20.** Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

NOTE: New text is in **Bold**; text to be deleted is in ~~strikeout~~
Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

- [23]21. 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.
- [24]22. 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.
- [25]23. Private parks, playgrounds, and campgrounds **as defined in Section 1.090 (Definitions) of this Ordinance** except that such uses are prohibited on high value farmland.
- [26]24. Farm ranch recreation (as defined in definitions section) in conjunction with a commercial farming operation subject to WCLUDO 3.210(K)
- [27]25. Homestead retention as defined and subject to WCLUDO 3.210(E) and (G)(3).
{(amended 6/98)}

26. 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; or**
- 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.

D. Requirements for Dwellings Customarily Provided in Conjunction with Farm Use.

- 1. 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.

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

NOTE: New text is in **bold**; text to be deleted is in ~~strikeout~~

- 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 pursuant to WCLUDO 3.210(F).
 - d. There is no other dwelling on the subject tract.
 - e. The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]
 - f. Meets requirements of WCLUDO 3.210(H) and (I).
2. 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 WCLUDO Section 3.210(D)(2)(a) above.
 - d. In determining the gross income required by this subsection the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

- e. The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]
 - f. Meets requirements of WCLUDO 3.210(H) and (I).
3. On land 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 at least \$80,000 (1994 dollars) in gross Annual income from the sale of farm products in the last two or three of the last five years; 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 WCLUDO 3.210(D)(3)(a).
 - d. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - e. The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]
 - f. Meets requirements of WCLUDO 3.210(H) and (I).

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

NOTE: New text is in **Bold**; text to be deleted is in ~~strikeout~~

E. Requirements for Dwellings Not Provided in Conjunction With Farm Use.

Dwellings not provided in conjunction with farm use may be authorized upon findings that:

1. The parcel is not on High Value Agricultural lands within the A-1(40) Zone. ~~{(amended 6/98)}~~
2. There is no other dwelling on the parcel.
3. 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;
4. The dwelling will not materially alter the stability of the overall land use pattern of the area.
5. 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. If the 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.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means what is generally unsuitable land for agriculture in Wasco County.

The homestead retention option [WCLUDO 3.210(C)(24)] is required to meet the non-farm dwelling and part of parcel standards, to insure essential agricultural land and services are not removed from the farming operation when retaining the homestead as a part of the operation.

6. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use. (added 6/98)
7. Criteria for "Generally Unsuitable"

A non farm dwelling may be allowed if: a) the entire parcel, or b) portion of a parcel is "generally unsuitable" as prescribed below:

- a. On parcels less than 80 acres that were created prior to January 1, 1993. **(This date was established by law and ORS 215.284(2)(c))**, and parcels created pursuant to the "Part of Parcel" and Homestead Retention provisions when the entire parcel is found to be generally unsuitable. That is, 51% of the parcel is a Class VII or poorer soil as determined by the SCS Soil Survey for Wasco County, and (one) 1 of the following:
 - (1) predominantly greater than 40 % slope, or
 - (2) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production ~~{(amended 6/98)}~~; or
 - (3) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM.

and, meets the following provisions for fire, road and recordation in deeds:

- (4) located within a fire protection district; or
- (5) can contract and maintain the contract with an established fire protection district; or

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

NOTE: New text is in **Bold**; text to be deleted is in [strikeout]

(6) volunteer fire protection group that:

- establishes boundaries or contracts for protection,
- establishes a contact person in case of emergency, and
- establishes a phone tree or other effective system of communication. ~~{(amended 6/98)}~~

or,

(7) Use a duly formed water district to provide fire protection within their established boundaries; and fire protection must be included within their articles of incorporation.

and,

(8) Shall be located on an all weather road that is maintained on a year round basis and which construction and maintenance meets Wasco County Public Works Department approval. (Approval will be generally based upon the standards prescribed in Figure 1, until such time as the County Road Department can commission an engineering study to update the County Road Standards.); - A landowner may contact the Wasco County Public Works Department and cost share 50/50 for road improvements thus allowing the dwelling under current standards;

and,

(9) The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

b. On parcels at least 80 acres but less than 160 acres that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the SCS Soil Survey for Wasco County, and (one) 1 of the following:

(1) predominantly greater than 40% slope; or

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- (2) produces less than 25 bushels per acre of wheat or cereal grains, or less than 1 ton per acre alfalfa or other type of hay (per FSA registered field crop information); or
- (3) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM.

and,

meets the following provisions for fire, road and recordation in deeds:

- (4) located within a fire protection district; or
- (5) can contract and maintain the contract with an established fire protection district; or
- (6) volunteer fire protection group that:
 - establishes boundaries or contracts for protection,
 - establishes a contact person in case of emergency, and
 - establishes a phone tree or other effective system of communication. ~~{(amended 6/98)}~~

or,

- (7) Use a duly formed water district may provide fire protection within their established boundaries; and fire protection must be included within their articles of incorporation.

and,

- (8) Shall be located on an all-weather road that is maintained on a year-round basis and which construction and maintenance meets Wasco County Public Works Department approval. (Approval will be generally based upon the standards prescribed in Figure 1, until such time as the County Road Department can commission an engineering study to update the County Road Standards.);

A landowner may contact the Wasco County road department and cost share 50/50 for road improvements thus allowing the dwelling under current standards;

and,

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- (9) The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

FIGURE 1. WASCO COUNTY ROAD STANDARDS

The following standards apply for the creation of new roads or improvement of existing roads in the EFU. All ADT's (average daily trips) are determined by the Wasco County Public Works Department.

<u>AVERAGE DAILY TRIPS (ADT's)</u>	<u>UNDER 50</u>	<u>50 - 250</u>	<u>250 +</u>
Road Type:	18' gravel	24' gravel	24' paved with (2)6' shoulders

Note: Figure 1 is a modification of Wasco County's Road Standards, and will be only used as a general guideline for County Road Department approval. It does not take into consideration other factors such as type of use, terrain, and mail/bus routes, all of which must be considered in the County Road Department approval process.

- 8. Criteria for forested land within the EFU zone
 - a. If the parcel is unsuitable for agricultural use and 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.
 - b. If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:
 - (1) The dwelling is compatible; and

- (2) The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and
- (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 in the area, the director or commission shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated. If the application involves the creation of a new parcel for the nonfarm dwelling, the director or commission shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area.

and, meets the following provisions for fire, road and recordation in deeds:

- (4) located within a fire protection district; or
- (5) can contract and maintain the contract with an established fire protection district; or
- (6) volunteer fire protection group that:
 - establishes boundaries or contracts for protection,
 - establishes a contact person in case of emergency, and
 - establishes a phone tree or other effective system of communication. ~~{(amended 6/98)}~~

or,

- (7) Use a duly formed water district to provide fire protection within their established boundaries; and fire protection must be included within their articles of incorporation.

and,

- (8) Shall be located on an all-weather road that is maintained on a year-round basis and which construction and maintenance meets Wasco County Road Public Works Department approval. (Approval will be generally based upon the standards prescribed in Figure 1.); and

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A landowner may contact the Wasco County Public Works Department and cost share 50/50 for road improvements thus allowing the dwelling under current standards;

and,

- (9) The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

9. Fire safety development standards.

- a. Exterior roofing shall be composed of fire-resistant materials.
- b. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area on land that is owned or controlled by the owner according to the chart below.

Slope	Size of Safety Zone by Percent Slope	
	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- c. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below.

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Setback from Ridgetop, Cliff and Bluff in Conjunction with Fuel Break Safety Zone

Downhill slope	Feet of Setback
10%	50
20%	75
25%	100
40%	150

(added 6/98)

10. **Fire safety development recommendations:**

- a. **Utilities such as powerline extensions and telephone should be located underground where feasible.**
- b. **If a water supply, such as a swimming pool, pond, stream, or lake, exists within 100 feet of the driveway or road at a reasonable grade, then access to within 15 feet of the water's edge should be provided for pumping units. (added 6/98)**

F. **Requirements for Accessory Farm Dwellings**

An accessory farm dwelling may be considered customarily provided in conjunction with farm use if:

- 1. **It meets all the following requirements:**
 - a. **The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and**
 - b. **The accessory dwelling will be located:**
 - (1) **On the same lot or parcel as the dwelling of the principal farm dwelling; or**
 - (2) **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**

- b. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
3. The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. These standards are for determination of applicability of an accessory dwelling, and do not justify division of land for purposes of siting a dwelling.
 - a. If it is determined that an accessory farm dwelling satisfies the requirements of WCLUDO Section 3.210(D) "Dwellings in Conjunction with Farm Use", a parcel may be created consistent with the minimum parcel size requirements in WCLUDO Section 3.210(G)
4. 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 WCLUDO Section 3.210(E).

G. Lot Size Standards

1. There shall be a 40 acre minimum land division for farm parcels in the A-1(40) zone. ~~{(amended 6/98)}~~
2. There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone. ~~{(amended 6/98)}~~

PART OF PARCEL

3. Land divisions creating parcels of less than 160 acres may be permitted for non-farm uses authorized in accordance with applicable WCLUDO Section 3.210(C) & (E), Chapter 21 and ~~{(amended 6/98)}~~:
 - a. New lots or parcels for dwellings not in conjunction with farm use may be permitted only if the dwelling has been authorized in accordance with WCLUDO 3.210(C) & (E); and
 - b. The remaining lot or parcel not containing the dwelling or other non farm use meets the 160 acre land division standard of the EFU zone; or
 - c. The remaining lot or parcel not containing the dwellings or other non farm use consolidated with an adjoining lot or parcel which together meet the 160 acre land division standard of the EFU zone; and

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d. Maximum Part of Parcel that may be created per tract are as follows:

- (1) 162 acres - to less than 500 acres = 1 Part of Parcel
- (2) 500 acres but less than 1000 acres = 2 Part of Parcel
- (3) 1000 acres and greater = 3 Part of Parcel

- 4. New parcels created for a dwelling not in conjunction with farm use shall be a minimum of two (2) acres and a maximum of (20) acres.
- 5. Creation of part of parcel shall not occur within the A-1(40) Zone. ~~{amended 6/98}~~
- 6. Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305 - 92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone. This provision applies only to applications for a land division submitted after July 1, 1997. ~~{amended 6/98}~~
- 7. Total land divisions for a dwelling not provided in conjunction with farm use shall not exceed three for each non-farm parent parcel (non-farm parcels created after July 1, 1997), regardless of changes in ownership. Such divisions shall not exceed 2 in a single calendar year. (added 6/98)
- 8. Parcels for allowed uses other than dwellings pursuant to ORS 215.283(2) shall not be larger than the minimum size necessary for the use. (added 6/98)
- 9. No Part of Parcel property boundary line will divide any field covered by a water right.

H. Dimensional Standards and Setbacks

Dimensional standards and setbacks are designed to protect the human population as well as the natural environment. A variance subject to WCLUDO Chapter 6, or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstances that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

- 1. Additions or modifications to existing farm or non-farm structures or group of structures built before January 1, 1997 shall be set back 40 feet from roads, 25 feet from side yards and 40 feet from the rear yard property lines. These setbacks do not apply to fences and signs. ~~{amended 6/98}~~

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- b. Signs shall be limited to twelve square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
- c. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way. (added 6/98)
- 8. Lighting. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, ~~[and] roadways and waterways.~~ **Shielding and hooding materials shall be composed of nonreflective, opaque materials.** ~~[(added 6/98)]~~ {NOTE: This change is part of Ordinance LUA99-101-L (General LUDO Updates)}
- 9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.** {NOTE: This change is part of Ordinance LUA99-101-L (General LUDO Updates)}

NOTE: New text is in **Bold**; text to be deleted is in [strikeout]
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2. New Farm or non-farm structures and dwellings on parcels unimproved as of January 1, 1997 shall be set back 200 feet from all property lines and 40 feet from roads. If the road is also a property line, the setback is 200 feet from the road. A natural topographic or vegetative barrier may reduce the setback to 100 feet. Parcels may qualify for a variance if these setbacks render the parcel impractical to develop. These setbacks do not apply to fences and signs.
 - a. In addition to the above setbacks, farm dwellings shall be set back 50 feet from any field used for agricultural crops; either on the subject parcel or adjacent parcels.
 - b. In addition to the above setbacks, Farm labor housing, and farm accessory structures shall be set back 100 feet from any field used for agricultural crops; either on the subject parcel or adjacent parcels. ~~{(amended 6/98)}~~
3. No farm or non-farm dwelling, non-farm accessory structure, or seasonal farm labor housing shall exceed a height of 35 feet. ~~{(amended 6/98)}~~ **Height is measured from average grade.** {NOTE: This change is part of Ordinance LUA99-101-L (General LUDO Updates)}
4. All bottoms of foundations of permanent structures, or similar permanent fixtures (except hydroelectric or irrigation pumping facilities) shall be setback from the high water line or mark, along all streams, lakes or rivers a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
5. All bottoms of foundations of all permanent structures shall be above the 100 year floodplain.
6. All dwellings and structures shall be setback 100 feet from the centerline of irrigation ditches which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs. ~~{(amended 6/98)}~~
7. Signs. Permanent signs shall not project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.

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I. Special Agricultural Considerations

The following "Special Agricultural Considerations" including but not exclusive to the following list, are to be included with approved land use applications as information that property owners need to be aware of in the EFU. The following information is voluntary, but it is recommended that it be recorded on deeds to insure that future property owners and successors in interest are aware of the circumstances that may effect this EFU property.

Irrigation District: _____ Contact: _____

Water Rights: _____ Contact: _____
Prevent loss of water rights to instream use.

Weed Control: _____ Contact: _____
Control of noxious weeds required.

Chemical Trespass: _____ Contact: _____
OSU Extension Service

Fire Protection: _____ Contact: _____
Fire break and stand pipes required.

Big Game WR: _____ Contact: _____
Fencing recommendations provided by ODFW

Livestock Fencing: _____ Contact: _____
Open or closed range, must observe appropriate fencing standards. Oregon Dept. of Agriculture - Brand Inspector & OR Law requiring 50/50 fence upkeep.

Animal Control: _____ Contact: _____
Animals at large

J. Disqualification of Special Assessment

The Approving Authority shall not grant final approval of the building permit for a dwelling not in conjunction with farm use in the EFU Zone that is receiving special assessment under ORS 308.370, 308.765, 321.730, 321.352, or 321.815. The owner of the parcel on which the dwelling is to be located shall provide evidence to the Approving Authority that:

Temporary informational notes are in {brackets}; these notes will not be included in the final ordinance.

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1. The County Assessor has been notified that the parcel is no longer being used as farmland; and
2. Request has been made to the County Assessor to disqualify the parcel for special assessment under ORS 308.370, 308.765, 321.352, 321.730, or 321.815; and
3. Pay any additional tax imposed upon disqualification from special assessment; and
4. Record on the Property Deed prior to receiving zoning approval on a building permit the following: This parcel (legal description) has been disqualified from special assessment pursuant to WCLUDO Section 3.210(E) and shall not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area. ~~{(amended 6/98)}~~

K. Standards for Farm Ranch Recreation

1. The tract or parcel is currently employed in a commercial agricultural operation as defined by ORS 215.203 and WCLUDO 3.210(D)
2. The "recreation" in the Farm Ranch Recreation proposal shall not be the primary enterprise of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and impact, and shall contribute "added value" to the commercial agricultural operation.
3. The farm management plan shall specifically quantify the size, scale, and operational characteristics of the commercial agricultural operation and the Farm Ranch Recreation proposal.
4. The Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in WCLUDO Section 3.210(E). There shall be a two mile radius for public notification in the application of public or private target or shooting courses.
5. Conflicts directed at or between a Farm Ranch Recreation Operation and an existing farming operation should use the County Ordinance developed for complaint mediation as specified in WCLUDO 3.210(M).

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 Temporary informational notes are in **{brackets}**; these notes will not be included in the final ordinance.

L. Challenging Soil Class Rating

1. **For the purposes of approving a Lot of Record application under Section 3.210 B. 26.,** ~~{the soil class, [er] soil rating or other soil designation of a [Lot of Record (LOR per OAR 660-33-130(3)(a)(A)-(E)]~~ **specific lot or parcel** may be changed if the property owner:
 - a. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 - b. Submits the following:
 - (1) Report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 - (2) Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (2) (a.) of this section and finds the analysis in the report to be soundly and scientifically based.
2. The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:
 - a. Submits a report to Wasco County Planning from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:
 - (1) Copy of the most current National Cooperative Soil Survey map(s) for the specified area.
 - (2) Methods used by the Soil Scientist
 - (3) Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units.

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- (4) Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation.
 - (5) Notation of any limitations encountered
 - (6) Results, findings and decisions
 - (7) Overview of geology, parent material, and related factors
 - (8) Description of landforms, topography, confirming relationship of landforms to soil mapping units,
 - (9) Description of on-site and adjacent hydrology, including surface and subsurface features.
 - (10) Description of revised soil mapping units
- b. Acquires Wasco County Planning office administrative approval of soils class change, in conjunction with land use application request.
 - c. Request to change a soils class must be accompanied by a land use application.

M. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process

All those receiving land use approval in the EFU zone shall be advised and receive a copy of the following:

1. State of Oregon Right to Farm Ordinance. Appendix B. ~~{(amended 6/98)}~~
2. Wasco County Farming and Forestry Practices Protection and Complaint Mediation Ordinance. Appendix C.

N. Follow up Audit and Review Process

1. The Wasco County Planning Department shall maintain an annual counter log and summary of administrative and planning commission decisions, regarding all actions in the EFU zone.

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2. The Agricultural Resource Group (Appendix D) shall appoint a five member subcommittee to be both farmers and residents of Wasco County representing the North, Central and Southern portions of the county. The subcommittee will meet annually the third week following the date of adoption of the revised WCLUDO Section 3.210 to review the summary of land use actions taken in the EFU zone for the previous year. The purpose of the review will be:
 - a. To ensure that the administration of the EFU zone as evidence by administrative and quasi-judicial decisions is to:

Primarily:
 - Protect private property rights of the agricultural producer.
 - Keep agricultural operation viable.
 - Protect farm practices and the right to farm.
 - Preserve and protect farmland.
And Secondly:
 - Protect private property rights, on agricultural zoned land, of the farmer and non-farmer alike; that is, the right of property is the reasonable and lawful use of the agricultural land.
 - b. Identify any potential problems or issues that were not foreseen during the development of the ordinance; and
 - c. Identify any changes or alterations, due to approval of land uses in the EFU zone, to the over all land use agricultural pattern of the county; and
 - d. Address any new information (i.e. soils, OSU commodity productivity, new legislation, water rights, natural disasters, etc) that may effect the administration of the EFU zone and ordinance; and
 - e. Prepare a summary report to be sent to the County Court and ARG members outlining the findings of the subcommittee; and
 - f. If necessary, convene the entire Agricultural Resource Group to address the need to make necessary changes to the EFU map and zoning ordinance based on findings from the annual summary.
3. Review the concept of implementing a cost recovery program for the upgrading, expansion or new construction of Wasco County roads.

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4. Review the concept of implementing a clustering concept for areas within rural service center boundaries, urban growth boundaries and within one mile radius of existing urban growth boundaries or rural service center boundaries.
5. Review farm to farm conflict and potential setbacks for new agricultural use to prevent conflict between agricultural practices.
6. Review farm ranch recreation and lodging concept.
7. Review and develop clear and objective criteria for Section 3.210(E)(4) - "The dwelling does not materially alter the stability of the overall land use pattern of the area." The intent is to better define what "materially alter" means; what is the area that must be evaluated, and what criteria determine the overall land use pattern of an area.