

REVIEWED

BWW

LEGAL COUNSEL

92-41792

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, *
Deschutes County Zoning Ordinance, *
of the Deschutes County Code, *
Concerning Exclusive Farm Use *
Zones and Declaring an Emergency. *

0119-2031

92 DEC -2 PM 1:30
MARY SUE FENHOLD
COUNTY CLERK

ORDINANCE NO. 92-065

WHEREAS, pursuant to the requirements of the Oregon Department of Land Conservation and Development (LCD) the County has been required to review and update its Comprehensive Land Use Plan and implementing ordinances, including for exclusive farm use zones to assure continuing compliance with Statewide Land Use Planning Goals; and

WHEREAS, it is necessary to amend certain provisions of Title 18 of the Deschutes County Code, known as the Deschutes County Zoning Ordinance No. PL-20, relating to exclusive farm use zones in order to complete periodic review;

WHEREAS, public hearings have been held in furtherance of this objective in conformance with state law before the Deschutes County Planning Commission and the Board of County Commissioners for Deschutes County; and

WHEREAS, the Board of County Commissioners has considered the recommendations of the Planning Commission and the public; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY ORDAINS as follows:

Section 1. ADOPTION OF AMENDMENTS TO CHAPTER 18.04. Chapter 18.04.030, "Title, Purposes and Definitions," of the Deschutes County Code, as amended, known as the Deschutes County Zoning Ordinance, is further amended to include the definition of "Commercial Farm" as follows:

As used in Chapter 18.16, "Commercial farm" means those land tracts shown on the 1991 Assessor's records as contiguous ownership tracts under one name (or separated only by a road), zoned EFU, receiving special assessment for farm use and in the top 90% of assessed farm use values (arranged in ascending order). These farms are identified in the resource element of the comprehensive plan.

KEYBUNCHED
DEC 15 1992

MICROFILMED
DEC 14 1992

Section 2. ADOPTION OF AMENDMENTS TO CHAPTER 18.04. Chapter 18.04.030, "Title, Purposes and Definitions," of the Deschutes County Code, as amended, known as the Deschutes County Zoning Ordinance, is further amended to include the definition of "Irrigated acres" as follows:

"As used in Chapter 18.16, irrigated acres means those lands to which a water right is appurtenant."

Section 3. ADOPTION OF CHAPTER 18.16. Title 18 of the Deschutes County Code, known as the Deschutes County Zoning Ordinance, as amended, is further amended to replace Chapter 18.16, "Exclusive Farm Use Zone," as set forth in Exhibit "A," attached hereto and by this reference incorporated herein.

Section 4. FINDINGS. The Board of County Commissioners adopts as its findings and conclusions in support of this ordinance the Comprehensive Plan text adopted by Ordinance 92-063, adopted on this date and by this reference incorporated herein, and the findings attached as Exhibit "C" to Ordinance 92-062 and by this reference incorporated herein.

Section 5. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal, express or implied, of any ordinance, ordinance provision, or code section by this ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution, conviction and punishment of the person or persons who violated the repealed ordinance.

Section 6. SEVERABILITY. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance or any exhibit thereto is adjudged to be invalid by a court of competent jurisdiction that decision shall not affect the validity of the remaining portions of this ordinance or exhibit thereto.

Section 7. EMERGENCY AND EFFECTIVE DATE. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on December 7, 1992.

Section 8. CORRECTIONS. This ordinance may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors and to insert appropriate legislative history references.

DATED this 25th day of November, 1992.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



TOM THROOP, Commissioner

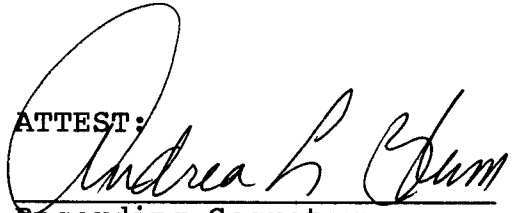


NANCY POPE SCHLANGEN, Commissioner



DICK MAUDLIN, Chairman

ATTEST:



Recording Secretary

NOTE: Deleted wording is in brackets []; added wording is underlined bold.

EXHIBIT A

0119-2034

CHAPTER 18.16 - EXCLUSIVE FARM USE ZONES

Sections:

- 18.16.010 Purposes
- 18.16.020 Uses Permitted Outright
- 18.16.030 Conditional Uses Permitted
- 18.16.035 Destination Resorts
- 18.16.040 Limitations on Conditional Uses
- 18.16.050 Standards for Dwellings in the EFU Zones
- 18.16.055 Land Divisions
- 18.16.060 Dimensional Standards
- 18.16.065 Subzones
- 18.16.067 Farm Management Plans
- 18.16.070 Yards
- 18.16.080 Stream Setbacks
- 18.16.090 Rimrock Setback

18.16.010 Purpose

The purpose[s] of the Exclusive Farm Use zones [are] is to preserve and maintain agricultural lands. [for farm use, particularly range and grazing uses, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.] (Ord. 92-038 ss 1 and 2, 1991)

18.16.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright: (Ord. 91-038 ss 1 and 2, 1992; Ord. 91-020 ss 1, 1991; Ord. 91-005 ss 4, 1991; Ord. 86-007 ss 1, 1986; Ord. 81-025 ss 1, 1981; Ord. 81-001 ss 1, 1981)

- A. Farm use as defined in this title.
- B. Propagation or harvesting of a forest product.
- C. Exploration for minerals. (Ord. 91-002 ss 3, 1991)
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within a right-of-way existing as of July 1, 1987. (Ord. 91-038 ss 2, 1991)
- F. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur or no new land parcels result. (Ord. 91-038 ss 2, 1991)
- G. Temporary public road or highway detour that will be

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- abandoned and restored to original condition or use when no longer needed. (Ord. 91-038 ss 2, 1991)
- H. Minor betterment of existing public roads and highway-related facilities such as maintenance yards with stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways. (Ord. 91-038 ss 2, 1991)
- I. A[n] [additional] replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the county inventory as an historic property as defined in ORS 358.480. (Ord. 91-038 ss 2, 1991)
- J. Creation, restoration or enhancement of wetlands. (Ord. 91-038 ss 2, 1991)

18.16.030 Conditional Uses Permitted

The following uses may be allowed in the Exclusive Farm Use Zones subject to applicable provisions of the Comprehensive Plan, Sections 18.16.040 and 18.16.050 and other applicable sections of this title. (Ord. 91-038 ss 1 and 2, 1991; Ord. 91-005 ss 5, 1991; Ord. 87-013 ss 1, 1987)

- A. [Farm-related] Dwellings customarily provided in conjunction with farm use (farm-related dwellings).
- [B. Farm-related dwellings on a parcel less than the minimum lot size.]
- B. Manufactured home as a secondary accessory farm dwelling.
- C. Pre-existing dwellings as a ranch hand residence. (Ord. 91-020 ss 1, 1991; Ord 83-020 ss 1, 1983)
- D. Non-farm dwelling and accessory uses thereto.
- E. Residential homes, as defined in Section 18.04.030 of this title, in existing dwellings.
- F. Commercial activities that are in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining county.
- G. Operations conducted for exploration, mining and processing of geothermal resources as defined by ORS 522.005; exploration and extraction of natural gas or oil; and surface mining mineral and aggregate resources exclusively for on-site personal, farm or forest use or in conjunction with maintenance for irrigation canals. (Ord. 90-014 ss 23, 1991)
- H. Homestead retention when the entire parcel has been under single ownership for at least the preceding ten consecutive years and the parcel occupies not less than 320 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence

and the land underlying the residence up to a maximum of five acres. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of this chapter. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.

- I. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- J. Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization.
- K. Golf courses.
- L. Utility facilities necessary for public service and commercial utility facilities for the purpose of generating power for public use by sale.
- M. Personal-use landing strip for airplanes and helicopter pad, 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 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 1, 1975, shall continue to be permitted subject to any applicable regulations of the Oregon Aeronautics Division. (Ord. 91-020 ss 1, 1991)
- N. Home occupations carried on by residents as an accessory use within their dwelling or other residential accessory building.[customarily provided in conjunction with farm use.]
- O. A facility for the primary processing of forest products. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be [only] portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- P. The boarding, breeding and training of horses for profit.
- Q. Hydroelectric facility, in accordance with Sections 18.116.130 and 18.128.040(V). (Ord. 86-018 ss 3, 1986)
- R. Dog kennels. (Ord. 90-018 ss 1, 1991)
- S. Storage, crushing and processing of minerals, including

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- the processing of aggregate into asphaltic concrete or portland cement concrete when such uses are in conjunction with the maintenance or construction of public roads or highways. Ord. 90-014 ss 31, 1990)
- T. A site for the disposal of solid waste approved by the governing body of a city or county and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality. (Ord. 91-014 ss 1, 1991)
 - U. One manufactured home 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. (Ord. 91-038 ss 2, 1991)
 - V. Church. (Ord. 91-038 ss 2, 1991)
 - W. Public or private school, including all buildings essential to the operation of such a school. (Ord. 91-038 ss 2, 1991)
 - X. Construction of additional passing and travel lanes requiring the acquisition of right-of-way, but not resulting in the creation of new land parcels. (Ord. 91-038 ss 2, 1991)
 - Y. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels. (Ord. 91-038 ss 2, 1991)
 - Z. 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. (Ord. 91-038 ss 2, 1991)
 - AA. The propagation, cultivation, maintenance and harvesting of aquatic species. (Ord. 91-038 ss 2, 1991)
 - BB. Bed and breakfast inns. (Ord. 91-038 ss 2, 1991)
 - CC. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland. (Ord. 91-038 ss 2, 1991)
 - DD. Cemeteries in conjunction with churches. (Ord. 91-038 ss 2, 1991)
 - [EE. Living history museums.] (Ord. 91-038 ss 2, 1991)

18.16.035 Destination Resorts

[In the EFU-40 and EFU-20 zones] [Destination resorts may be allowed where mapped as a conditional use, subject to all applicable standards of the DR zone. (Ord. 92-004 ss 3, 1992)]

18.16.040 Limitations on Conditional Uses

- A. Conditional uses permitted by 18.16.030[(F)]~~(E)~~ through (DD) may be established [on non-productive agricultural lands] subject to applicable provisions in Chapter

18.128 and upon a finding by the Planning Director or Hearings Body that the proposed use: (Ord. 91-020 ss 1, 1991)

- [a. Is compatible with farm uses described in this title, the intent and purpose set forth in ORS 215.143 and the Comprehensive Plan;]
 - a. Will not force a significant change in [or otherwise seriously interfere with] accepted farm or forest practices (as defined in ORS 215.203(2)(c)) on adjacent lands devoted to farm or forest uses; [and] or [will not significantly increase the cost of accepted farm or forest practices on such lands];
 - b. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - [c. Does not materially alter the stability of the overall land use pattern of the area;]
 - c. That the actual site on which the use is to be located is [not] the least suitable for the production of farm crops or livestock[;].[and]
 - [e. Is not located within one-quarter mile of a dairy farm, feed lot, sales yard, slaughterhouse or poultry, hog or mink farm, unless adequate buffers are provided and approved. 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 liveability of such proposed use or the agriculture of the area.] (Ord. 91-020 ss 1, 1991)
- [B. In determining whether the above standards can be met, the Planning Director or Hearings Body shall consider: (Ord. 91-011 ss 1, 1991)
- a. Immediate and future impacts on public services, existing road systems and traffic demands and irrigation distribution systems;
 - b. Soil types and their limitations, including slides, erosion, flooding and drainage, and provisions to minimize possible adverse effects resulting therefrom;
 - c. Agricultural productivity, including food productivity and the production of any useable agricultural product that requires open space and a non-urban environment;
 - d. Whether the proposed development minimizes potential adverse effects on terrain, slope and ground cover;
 - e. Whether the proposed development is compatible with the existing land use pattern and the character of the overall area;
 - f. The existence of adequate quantity and quality of water, either subsurface or other sanitary disposal system and adequate provisions for solid waste disposal; and
 - g. Conversion of agricultural lands to non-farm uses

shall be based upon consideration of the following factors:

- 1. Environmental, energy, social and economic consequences.
- 2. Compatibility of the proposed use with related agricultural land.
- 3. The retention of Class I and VI soils in farm use.]

B. An applicant for a non-farm conditional use may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective. (Ord. 91-038 ss 1 and 2, 1991)

18.16.050 Standards for Dwellings in the EFU Zones

A. Farm-Related Dwellings

A dwelling, including a manufactured home in accordance with Section 18.116.070, is considered to be customarily provided in conjunction with farm use and may be permitted when all the following criteria are met:

- a. The dwelling will be located on a legally established parcel that meets the minimum parcel size for the applicable subzone, as described under Section 18.16.065.
- b. The parcel is currently employed in "farm use", as evidenced by a farm management plan showing that the day-to-day activities on the land are principally directed to the farm use of the land.
- c. The dwelling is for the farm operator and there are no other dwellings located on the parcel or parcels covered by the farm management plan.
- d. The dwelling will be located on the least productive part of the parcel.
- e. No further farm related dwellings will be allowed on separate parcels, any portion of which makes up the land area included in the farm management plan, as evidenced by a restrictive covenant.

[B. Farm-Related Dwellings on a Lot Less than the Minimum Lot Size. One single-family dwelling, including a manufactured home in accordance with Section 18.116.070, may be permitted on a pre-existing nonconforming lot as defined in Section 18.04.030 and 18.120.020, subject to the provisions of 18.16.040 and the following criteria:

- a. The lot is currently employed for farm use where the day to day activities are principally directed to the farm use of the land.
- b. The lot is of sufficient size to demonstrate commercial production of food, fiber or livestock using innovative and/or intensive farming practices during at least two of the previous three years.
- c. The growing season, soil, water and energy are

- adequate and available for the planned farm use.
- d. The markets for the farm products are demonstrable.
 - e. The proposed dwelling on the lot will not adversely affect adjacent and surrounding commercial agricultural operations.
 - f. The proposed dwelling on the lot will not force a significant change in or significantly increase the cost of accepted farming practices on nearby agricultural land.
 - g. The lot and the farm use on it are appropriate for the continuation of the existing commercial agricultural operations in the area.
 - h. The dwelling will be located on the least productive part of the parcel.]

B. Secondary Accessory Farm Dwelling. A manufactured home as a secondary accessory farm dwelling in accordance with Section 18.116.070 may be permitted subject to the following criteria:

- a. An owner-occupied farm dwelling, consistent with Section 18.16.050(A), must exist on the farm unit.
- b. A secondary accessory farm dwelling is not permitted on a parcel of less than 40 acres unless it is demonstrated to the Planning Director or Hearings Body that a smaller land unit is a commercial agricultural enterprise.
- c. No more than one secondary accessory farm dwelling is permitted for each 40 acres of the farm unit.
- d. The occupant of the manufactured home shall be an employee of the farm owner or an immediate family member engaged in the farm operation.
- e. The manufactured home shall be considered a temporary installation and permits for such shall be renewable on an annual basis.
- f. The manufactured home shall be removed from the property if it is no longer needed for the operation of the farm.

C. A Pre-Existing Dwelling as a Ranch Hand Residence may be permitted subject to the following criteria:

- a. The occupant of the dwelling shall be an employee of the farm owner or an immediate family member engaged in the farm operation.
- b. The farm unit shall be a minimum of 40 acres unless it is demonstrated to the Planning Director or Hearings Body that a smaller land unit is a commercial agricultural enterprise.
- c. No more than one pre-existing dwelling may be permitted as a ranch hand residence for each 40 acres of the farm unit.

D. Non-farm Dwelling. One single-family dwelling, including a manufactured home in accordance with Section 8.116.070, not provided in conjunction with farm use may be permitted on an existing lot or parcel subject to the [provisions of Section 18.16.040 and the] following criteria:

- a. The Planning Director or Hearings Body shall make findings that the proposed non-farm dwelling:
1. Is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purpose set forth in ORS 215.243.
 2. Does not interfere seriously with accepted farming practices, as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm uses.
 3. Does not materially alter the stability of the overall land use pattern of the area.
 4. Is situated on [land] an existing lot or parcel generally unsuitable 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.
 5. Is not within one-quarter mile of a dairy farm, feed lot, sales yard, slaughterhouse or poultry, hog or mink farm, unless adequate provisions are made and approved by the Planning Director or Hearings Body for a buffer between such uses. The establishment of a buffer shall be designed based upon consideration of such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of the non-farm dwelling or the agriculture of the area. (Ord. 91-020 ss 1, 1991)
- [b. In addition to the above findings, the following factors shall be considered when reviewing an application for a non-farm dwelling:
1. Immediate and future impact on public services, existing road systems, traffic demands and irrigation distribution systems.
 2. Soil type and its development limitations, including susceptibility to slides, erosion, flooding and drainage.
 3. An adequate quantity and quality of water and either subsurface or other sanitary disposal system.]
- b. Pursuant to ORS 215.236, a non-farm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's Office that the parcel upon which the dwelling is proposed has been disqualified for special assessment at value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

c. A parcel that has been disqualified for special assessment at value for farm use pursuant to ORS 215.236(4) shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel. (Ord. 91-038 ss 2 and 3 1991)

18.16.055 Land Divisions

- A. General. Divisions of land in the farm zone shall be identified on the land division application as either a farm division, nonfarm dwelling division, or a nonfarm division.
- B. Farm Divisions. Farm divisions shall be subject to the minimum lot size requirements of Section 18.16.060(A) and all applicable requirements of Title 17.
- C. Nonfarm Dwelling Divisions.
 - a. Nonfarm dwelling land divisions shall be subject to the minimum lot size requirements of Section 18.16.060(B) and all applicable requirements of the partition ordinance, including the general partition standards set forth in Chapter 17.28 and the Section 18.16.050(D) standards for nonfarm dwellings. Each nonfarm dwelling land division application shall be accompanied by an application for a dwelling on each parcel to be created.
 - b. Nonfarm subdivisions are prohibited. No more than three nonfarm parcels may be created from any one parent parcel, existing as of the effective date of Ordinance 92-065.
- D. Nonfarm Divisions other than Nonfarm Dwellings. Such divisions shall be subject to the minimum lot size requirements of Section 18.16.060(C) of this Chapter and the applicable partitioning standards, including the general partition standards set forth in Chapter 17.28, the Subdivision and Partition Ordinance.

18.16.060 Dimensional Standards

- A. The minimum [lot] parcel size for farm parcels created [by partition] subject to Title 17 of the Deschutes County Code shall be as specified under Section 18.16.065, Subzones.[:

EFU-20 zone	20 acres
EFU-40 zone	40 acres
EFU-80 zone	80 acres
EFU-320 zone	320 acres]
- [B. New farm parcels created by partition shall be appropriate for the continuation of existing agricultural enterprise in the area.]
- B. The minimum lot size for nonfarm land divisions is 20 acres.

- C. The minimum lot area for all non-farm uses permitted by Section 18.16.030(E) through (DD) shall be that determined by the Planning Director or Hearings Body to carry out the intent and purposes of ORS Chapter 215, this title and the Comprehensive Plan. In no case shall lot area be less than one acre. (Ord. 91-020 ss 1, 1991)
- D. Each lot shall have a minimum street frontage of 50 feet.
- [E. The minimum average lot depth and width for new parcels shall be:
- | | |
|--------------|------------|
| EFU-20 zone | 300 feet |
| EFU-40 zone | 600 feet |
| EFU-80 zone | 1000 feet |
| EFU-320 zone | 2000 feet] |
- (Ord. 91-038 ss 1 and 2, 1991)

18.16.065 Subzones

A. Lower Bridge

a. Proposed farm divisions must result in parcels which demonstrate the following characteristics or capabilities:

1. 130 acres of irrigated land or 1991 assessed farm use value of \$31,850; or
2. Median irrigated acres or the equivalent assessed farm use value (i.e., irrigated acres x \$245/acre) for commercial farms within a 2-mile radius as measured from parcel perimeter. To qualify under this criterion parcels must contain at least 48 irrigated acres.

b. Applications for farm dwellings on existing parcels must meet one of the following:

1. The subject property contains at least 130 irrigated acres or has a 1991 assessed farm use value of \$31,850; or
2. The subject property contains the median irrigated acres or has the equivalent assessed farm use value (i.e., irrigated acres x \$245/acre) of commercial farms within a 2-mile radius as measured from parcel perimeter; or
3. The applicant demonstrates through a farm management plan the ability of the parcel to produce annual gross sales of \$52,650 or provides evidence that the parcel is part of a farm operation made up of non-contiguous tracts that together can meet the criteria in (b)(1), above.

B. Sisters/Cloverdale.

a. Proposed farm divisions must result in parcels which demonstrate the following characteristics or capabilities:

1. 63 acres of irrigated land or 1991 assessed farm

use value of \$14,931; or
 2. Median irrigated acres or the equivalent assessed farm use value (i.e., irrigated acres x \$237/acre) of commercial farms within a half-mile radius as measured from parcel perimeter. To qualify under this criterion parcels must contain at least 23 irrigated acres.

b. Applications for farm dwellings on existing parcels meet meet one of the following:

1. The subject property contains at least 63 irrigated acres or has a 1991 assessed farm use value of \$14,931; or

2. The subject property contains the median irrigated acres or has the equivalent assessed farm use value (i.e., irrigated acres x \$237/acre) of commercial farms within a half-mile radius as measured from parcel perimeter; or

3. The applicant demonstrates through a farm management plan the ability of the parcel to produce annual gross sales of \$22,680 or provides evidence that the parcel is part of a farm operation made up of non-contiguous tracts that together can meet the criteria in (b)(1), above.

C. Terrebonne.

a. Proposed farm divisions must result in parcels which demonstrate the following characteristics or capabilities:

1. 35 acres of irrigated land or 1991 assessed farm use value of \$8,365; or

2. Median irrigated acres or the equivalent assessed farm use value (i.e., irrigated acres x \$239/acre) of commercial farms within a half-mile radius as measured from parcel perimeter. Parcels which qualify under this criterion must contain at least 23 irrigated acres.

b. Applications for farm dwellings on existing parcels must meet one of the following:

1. The subject property contains at least 35 irrigated acres or has a 1991 assessed farm use value of \$8,365; or

2. The subject property contains the median irrigated acres or has the equivalent assessed farm use value (i.e., irrigated acres x \$239/acre) of commercial farms within a half-mile radius as measured from parcel perimeter; or

3. The applicant demonstrates through a farm management plan the ability of the parcel to

produce annual gross sales of \$12,600 or provides evidence that the parcel is part of a farm operation made up of non-contiguous tracts that together can meet the criteria in (b)(1), above.

D. Tumalo/Redmond/Bend.

a. Proposed farm divisions must result in parcels which demonstrate the following characteristics or capabilities:

- 1. 23 acres of irrigated land or 1991 assessed farm use value of \$5,451; or**
- 2. Median irrigated acres or the equivalent assessed farm use value (i.e., irrigated acres x \$237/acre) for commercial farms within a half-mile radius as measured from parcel perimeter. To qualify under this criterion parcels must contain at least 18 irrigated acres.**

b. Applications for farm dwellings on existing parcels must meet one of the following:

- 1. The subject property contains at least 23 irrigated acres or has a 1991 assessed farm use value of \$5,451; or**
- 2. The subject property contains the median irrigated acres or has the equivalent assessed farm use value (i.e., irrigated acres x \$237/acre) of commercial farms within a half-mile radius as measured from parcel perimeter; or**
- 3. The applicant demonstrates through a farm management plan the ability of the parcel to produce annual gross sales of \$8,280 or provides evidence that the parcel is part of a farm operation made up of non-contiguous tracts that together can meet the criteria in (b)(1), above.**

E. Alfalfa

a. Proposed farm divisions must result in parcels which demonstrate the following characteristics or capabilities:

- 1. 36 irrigated acres or 1991 assessed farm use value of \$8,640; or**
- 2. Median irrigated acres or the equivalent assessed farm use value (i.e., irrigated acres x \$240/acre) of commercial farms within a half-mile radius as measured from parcel perimeter. To qualify under this criterion parcels must contain at least 19 irrigated acres.**

b. Applications for farm dwellings on existing parcels must meet one of the following:

- 1. The subject property contains at least 36 irrigated acres or has a 1991 assessed farm use**

- value of \$8,640; or
2. The subject property contains the median irrigated acres or the equivalent assessed farm use value (i.e., irrigated acres x \$240/acre) of commercial farms within a half-mile radius as measured from parcel perimeter; or
 3. The applicant demonstrates through a farm management plan the ability of the parcel to produce annual gross sales of \$12,960 or provides evidence that the parcel is part of a farm operation made up of non-contiguous tracts which together can meet the criteria in (b)(1), above.

F. LaPine

- a. Proposed farm divisions must result in parcels which demonstrates the following characteristics or capabilities:
 1. 37 acres of irrigated land or 1991 assessed farm use value of \$11,570.
- b. Applications for farm dwellings on existing parcels must meet one of the following:
 1. The subject property contains at least 37 irrigated acres or has a 1991 assessed farm use value of \$11,570; or
 2. The applicant demonstrates through a farm management plan the ability of the parcel to produce annual gross sales of \$10,710 or provides evidence that the parcel is part of farm operation made up of non-contiguous tracts that together can meet the criteria in (b)(1), above.

- G. Horse Ridge East. Minimum parcel sizes for farm divisions or for farm-related dwellings on existing parcels is 320 acres.

18.16.067 Farm Management Plans

- A. Contents. A farm management plan shall consist of the following components:
- (1) A written description of existing and/or proposed farm uses, including type of crops or livestock, size and location of areas for each use, land or soil preparation required.
 - (2) An assessment of the soils, climate and irrigation on the parcel demonstrating that the parcel is suitable for the current or proposed use outlined in Section A(1).
 - (3) A business plan, including a demonstration that markets exist for the product; estimates of gross sales or actual gross sales figures; estimated or actual figures concerning necessary expenditures; and a list of capital expenditures incurred or

projected to be incurred in establishing the farm use on the parcel.

- (4) A written description of the farm uses in the area, including acreage, size and type of crop or livestock raised showing that the proposed plan is representative of similar farm uses, if any, in the area and will not conflict with the existing agriculture types.
- (5) For farm uses not currently practiced in the area, an analysis showing that the plan is representative of the type of agriculture proposed.

B. Conditional Approvals.

- (1) For purposes of land use approval, in instances where at the time of application the subject land is not currently in farm use, a farm management plan will be deemed to demonstrate current employment of the land for farm use if: (1) the farm management plan establishes a level of farming that constitutes a farm use; (2) the farm management plan sets forth specific timelines for the completion of capital improvements (barns, fencing, irrigation, etc.) and for the establishment of the proposed farm use on the parcel; and (3) land use approval is subject to a condition that no building permit for the farm dwelling can be issued prior to a determination that pursuant to the farm management plan a farm use has been established on the subject land.
- (2) For purposes of determining under this section that a farm use has been established on the land, the County shall determine that the farm management plan has been implemented to the extent that the farm may reasonably be expected to achieve a gross farm sales figure equal to the median gross sales figure for the subzone.

C. Tier 3 Review. For purposes of Tier 3 approvals, the management plan shall be reviewed by a County technical review committee. The report of the review committee must be favorable.

18.16.070 Yards

- A. The front yard setback from the property line shall be a minimum of 100 feet if adjacent to an [intensive agricultural use] EFU zone; otherwise, the front yard shall be 80 feet [20 feet for property fronting on a collector right-of-way and 80 feet from an arterial right-of-way unless provisions for combining accesses are approved by Deschutes County Public Works].
- B. Each side yard shall be a minimum of 20 feet, except that on corner lots or parcels, a side yard fronting a street [and adjacent to an intensive agricultural

use] shall be a minimum of [30] **80** feet. For parcels or lots with side yards adjacent to an [intensive agricultural use] **EFU zone**, the [adjacent] side yard shall be a minimum of 100 feet.

- C. Rear yards shall be a minimum of 25 feet, except a rear yard adjacent to an [intensive agricultural use] **EFU zone** shall be a minimum of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180. (Ord. 91-038 ss 1 and 2, 1991; Ord. 83-037 ss8, 1983)

18.16.080 Stream Setbacks

To permit better light, air, vision, stream pollution control, protection of fish and wildlife areas and preservation of natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark. (Ord. 91-038 ss 1 and 2, 1991; Ord. 91-020 ss 1, 1991)

18.16.090 Rimrock Setbacks

Notwithstanding the provisions of Section 18.16.070, setbacks from rimrock shall be as provided in Section 18.116.160. (Ord. 91-038 ss 1 and 2, 1991; Ord. 86-053 ss 5, 1986)

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