



September 9, 2005

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE NO. 648**

Enclosed for your information is a copy of proposed Ordinance No. 648. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

Ordinance Purpose and Summary

Ordinance No. 648 amends the Rural/Natural Resource Plan and the Community Development Code to make conforming changes relating to legislative and administrative rule changes. The amendments include changing the criteria for sewerline extensions for rural residences, updating notice requirements for land use actions on property which is accessed by a highway-railroad crossing, clarifying the criteria for primary and accessory farmworker housing, clarifying the uses allowed in public parks in the AF-20 and EFU Districts, and updating the allowed uses in private parks in the EFC District.

Who Is Affected

Rural residential property owners, owners of land that is accessed via a highway-railroad crossing, owners of EFU, AF-20 and EFC District properties.

What Land is Affected

Some rural residential properties, properties accessed via a highway-railroad crossing, farmland used to provide primary and accessory farmworker dwellings, parks in the EFU and AF-20 Districts, private parks in the EFC District.

Key Provisions

- Allow sewer connections for rural residential uses when there is an imminent threat of septic system failure.
- Require public notice to affected agencies when a property is accessed via a highway-railroad crossing.
- Clarify standards for primary and accessory farmworker housing.
- Expand the uses allowed in public parks in the AF-20 and EFU Districts.
- Allow yurts in private campgrounds in the EFC District.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
October 19, 2005

Board of County Commissioners
6:30 pm
October 25, 2005

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On October 25, 2005, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 24, 2005.

**Rural/Natural Resource
Plan Policies Amended
Community
Development Code
Standards Amended**

- Policy 22, Public Facilities and Services
- Section 203, Processing Type I, II, or III Development Applications
- Section 204, Notice of Type I, II, or III Development Applications
- Section 340-4.1, 340-4.2, 342-3.2, 344-4.1 and 344-4.2, Permitted Uses
- Section 430-25.2, Campgrounds Outside the Urban Growth Boundary
- Section 430-37.2, Rural
- Section 430-105, Public Utility

**How to Submit
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **At this time, we are unable to accept e-mail as public testimony.**

Washington County, Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Aisha Willits, Associate Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3961 Fax: 503-846-4412
e-mail: aisha_willits@co.washington.or.us

**Proposed Ordinance is
available at the
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2005ord/Ord648/Notices & Affidavits/CPO Notice.doc

WASHINGTON COUNTY ENACTED ORDINANCE

21
Pages



ORDINANCE

648

FOR WASHINGTON COUNTY CLERK'S USE ONLY



FILED

OCT 27 2005

Washington County
County Clerk

Rec.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing –
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **PROPOSED ORDINANCE NO. 648 – AN ORDINANCE
AMENDING THE RURAL/NATURAL RESOURCE PLAN AND
THE COMMUNITY DEVELOPMENT CODE RELATING TO
CHANGES TO THE OREGON REVISED STATUTES AND
ADMINISTRATIVE RULES**

Presented by: Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 648 proposes to amend the Rural/Natural Resource Plan and the Community Development Code to reflect changes relating to legislative and administrative rule amendments. The amendments change the criteria for sewerline extensions for rural residences, update notice requirements for land use actions on property accessed by a highway-railroad crossing, clarify the criteria for primary and accessory farmworker housing, clarify the uses allowed in public parks in the AF-20 and EFU Districts, and update the allowed uses in private parks in the EFC District.

On October 19, 2005, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission's recommendation will be included in the staff report, which will be provided to the Board prior to the October 25, 2005 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 648 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 648.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.e.</u>
Date:	<u>10/25/05</u>

AUG 31 2005

**Washington County
County Clerk**

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 648

An Ordinance Amending the Rural/Natural Resource Plan and the Community Development Code Elements of the Comprehensive Plan To Reflect Changes to the Oregon Revised Statutes and Administrative Rules

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, and 637.

B. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, and 638.

1 C. Subsequent ongoing planning efforts of the County indicate a need for
2 changes to the Rural/Natural Resource Plan and the Community Development Code to
3 reflect legislative changes to the Oregon Revised Statutes and Administrative Rules. The
4 Board takes note that such changes are necessary for the benefit of the health, safety, and
5 general welfare of the residents of Washington County, Oregon.

6 D. Under the provisions of Washington County Charter Chapter X, the Land
7 Use Ordinance Advisory Commission has carried out its responsibilities, including
8 preparation of notices, and the County Planning Commission has conducted one or more
9 public hearings on the proposed amendments and has submitted its recommendations to
10 the Board. The Board finds that this Ordinance is based on that recommendation and any
11 modifications made by the Board, as a result of the public hearings process.

12 E. The Board finds and takes public notice that it is in receipt of all matters
13 and information necessary to consider this Ordinance in an adequate manner, and that this
14 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
15 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
16 Washington County Charter, and the Washington County Community Development Code.

17 SECTION 2

18 The following exhibits, attached and incorporated herein by reference, are hereby
19 adopted as amendments to the designated documents:

- 20 (A) Exhibit 1 (1 page) amending Implementing Strategy e. of Policy 22, Public
21 Facilities and Services, of the Rural/Natural Resource Plan Element; and
22

1 (B) Exhibit 2 (14 pages) amending various sections of the Community
2 Development Code, including Section 203, Processing Type I, II, or III
3 Development Applications, Section 204, Notice of Type I, II, or III
4 Development Applications, Sections 340-4.1, 340-4.2, 342-3.2, 344-4.1
5 and 344-4.2, Permitted Uses, Section 430-25.2, Campgrounds Outside the
6 Urban Growth Boundary, Section 430-37.2, Rural, and Section 430-105,
7 Public Utility.

8 SECTION 3

9 All other Comprehensive Plan provisions that have been adopted by prior
10 ordinance, which are not expressly amended or repealed herein, shall remain in full force
11 and effect.

12 SECTION 4

13 All applications received prior to the effective date shall be processed in accordance
14 with ORS 215.427 (2003 Edition).

15 SECTION 5

16 If any portion of this Ordinance, including the exhibits, shall for any reason be
17 held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall
18 not be affected thereby and shall remain in full force and effect, and any provision of a
19 prior land use ordinance amended or repealed by the stricken portion of this Ordinance
20 shall be revived and again be considered in full force and effect.

21 ////

22 ////

1 SECTION 6

2 The Office of County Counsel and Department of Land Use and
3 Transportation are authorized to prepare planning documents to reflect the changes
4 adopted under Section 2 of this Ordinance, including deleting and adding textual material
5 and maps, renumbering pages or sections, and making any technical changes not affecting
6 the substance of these amendments as necessary to conform to the Washington County
7 Comprehensive Plan format.

8 SECTION 7

9 This Ordinance shall take effect thirty (30) days after adoption.

10 ENACTED this 25 day of October, 2005, being the first
11 reading and first public hearing before the Board of County Commissioners of
12 Washington County, Oregon.

13 BOARD OF COUNTY COMMISSIONERS
14 FOR WASHINGTON COUNTY, OREGON

15 **ADOPTED**

16 Tom Buan
CHAIRMAN

17 Barbara Hejtmanek
RECORDING SECRETARY

18 READING

PUBLIC HEARING

19 First October 25, 2005
20 Second _____
21 Third _____
22 Fourth _____
Fifth _____
Sixth _____

October 25, 2005

VOTE: Aye: Brian, Rogers, Schouten, Nay: Duyck

Recording Secretary: Leeper Barbara Hejtmanek Date: October 25, 2005

Amend the Rural/Natural Resource Plan as shown below:

1. **Amend Implementing Strategy e. of Policy 22, PUBLIC FACILITIES AND SERVICES of the Rural/Natural Resource Plan as follows:**
 - e. Permit sewer lines to be established in the Rural-Natural Resource area to relieve an identified health hazard, except that sewer lines may traverse the Rural-Natural Resource area in order to facilitate service to urban areas. However, a connection to an existing sewerline may be approved for a residential use pursuant to OAR 660-011-0060(8) and (9). After a sewer line has been installed, it may be used by a farmer for disposal of sewage in connection with a farm labor camp or in connection with a food processing operation.

Amend the Community Development Code as follows:

1. Amend Section 203, Processing Type I, II, or III Development Applications, as shown below:

203-4 Application

203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.

203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

A. A completed original application form, signed by all persons required for initiating an application under Section 203-1.1. No application shall be deemed complete if it is determined that all necessary authorization to file has not been obtained. Failure to provide such authorization shall result in denial of the application;

B. A current Washington County tax map(s) showing the subject property(ies);

C. Current county tax maps showing all properties in an adjoining county that are:

(1) Within five hundred (500) feet of the subject property(ies) in the Urban area; or

(2) Within one thousand (1,000) feet of the subject property(ies) in the Rural area.

The tax maps shall be obtained from the adjoining county;

D. Documentation of the names and addresses of the owners of record of the properties described in C above recorded with the Department of Assessment and Taxation of the adjoining county;

E. Documentation of whether a railroad-highway crossing provides or will provide the only access to the subject property.

EF. Information required pursuant to Article V, Public Facilities Requirements;

FG. Additional information required by other provisions of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code;

GH. Additional information directly related to the applicable standards of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code as deemed essential by the Director to evaluate adequately the specific application for compliance with those criteria and standards;

HJ. A written statement that explains the criteria and standards considered relevant to the application, states the facts relied upon in determining that the application meets the applicable criteria, standards, and explains the justification for approving the application based on the criteria and standards and facts set forth in the application. The findings must be substantive, not just recitations of the criteria and standards, and shall be supported by evidence in the application;

IJ. Evidence of compliance with the Neighborhood Meeting requirements required by Section 203-3, if required;

JK. The applicable fees adopted by the Board of County Commissioners are hereby incorporated by reference as the fees herein. These fees may be amended by Resolution and Order by the Board; and

L. For lands within the Clean Water Services boundary, documentation from the Clean Water Services which specifies the conditions and requirements necessary for the applicant to comply with the Agency's stormwater connection permit, water quality, erosion control, and sanitary sewer standards.

2. Amend Section 204, Notice of Type I, II, or III Development Applications, as shown below:

204-3 Type II Actions

204-3.1 A public notice of pending review shall be mailed to:

A. The applicant or representative and owners of the subject property;

B. All property owners of record:

(1) Within five hundred (500) feet of the subject property in the Urban area; or

(2) Within one thousand (1,000) feet of the subject property in the Rural area.

(3) When an access management plan is proposed, property owners within the study area defined in 501-8.5 C (3)(a); or

- (4) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, property owners within the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
- C. The recognized Citizen Participation Organization in which subject property is located;
 - D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
 - (1) The subject property is:
 - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or
 - (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
 - (2) Notwithstanding the provisions of Subsection D. (1), a public notice need not be provided as set forth in Subsection D. (1) if the proposed action would:
 - (a) Allow a structure less than thirty-five (35) feet in height; and
 - (b) The subject property is outside the runway approach surface as defined by the Department of Transportation.
 - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
 - E. The Oregon Department of Agriculture or the United States Department of Agriculture for applications for the propagation, cultivation, maintenance and harvesting of aquatic and insect species.
 - F. The Oregon Department of Transportation and the appropriate railroad owner for applications in which a railroad-highway crossing provides or will provide the only access to a property.

3. Amend Section 340-4.1, Permitted Uses which are exempt from Section 340-4.3, as shown below:

NEW Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

4. **Amend Section 340-4.2, Permitted Uses which are subject to Section 340-4.3, as shown below:**

340-4.2 Permitted Uses which are subject to Section 340-4.3:

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 340-4.1 C. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- ~~C. Dwelling Units in conjunction with farm use for additional farm related dwelling(s) necessary for full time farm help - Sections 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.~~
- ~~D. C. Primary Dwelling Unit~~ in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

- L. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.

5. **Amend Section 342-3.2, Permitted Uses which are subject to Section 342-3.3, as shown below.**

- I. Parks - Section 430-97. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.

6. **Amend Section 344-4.1, Permitted Uses which are subject to Section 344-4.3, as shown below.**

NEW Accessory dwellings customarily provided in conjunction with farm use - Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

7. **Amend Section 344-4.2, Permitted Uses which are subject to Section 344-4.3, as shown below.**

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 344-4.1 C. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- ~~C. Dwelling Units in conjunction with farm use for additional farm related dwelling(s) necessary for full time farm help - Sections 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.~~
- DC. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

- L. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.

8. **Amend Section 430-25.2, Campgrounds Outside the Urban Growth Boundary, as shown below:**

430-25.2 Campgrounds Outside the Urban Growth Boundary:

- A. There shall be a minimum site area of ten (10) acres in all Districts except the AF-10 and AF-5, where there shall be a minimum of five (5) acres. A camp site shall have a minimum of one-thousand- five-hundred (1,500) square feet. The campground shall be established on a site or contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- B. The maximum camp sites per acre shall be ten (10). A campsite may be occupied by a tent, travel trailer or a recreational vehicle. Yurts may be provided on camp sites within private campgrounds in the EFC District pursuant to OAR 660-006-0015(4)(e).

- C. The maximum campground size shall be thirty-five (35) acres. A campground proposed to be over thirty-five (35) acres requires that an exception to Goals 3 or 4 be taken.
- D. An adequate system for fire protection, water and sanitary sewer service shall be provided in accord with applicable State, County and Fire District regulations. However, in the EFU, EFC and AF-20 Districts, separate sewer, water or electric service hook-ups shall not be provided to individual campsites. The campground, including campsites and other areas within the campground without structures, shall meet the standards of Sections 428-2 and 428-3.
- E. Service uses and facilities incidental and clearly subordinate to the primary use may be permitted as a condition of the Development Permit. Campgrounds in the EFC, EFU and AF-20 Districts shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- F. Access shall be approved by the fire marshal.
- G. The maximum sign area shall be thirty-five (35) square feet.
- H. The applicant shall provide the following use analysis:
 - (1) What is the purpose of the camp?;
 - (2) Is it Final Destination; or
 - (3) Is it ancillary to existing recreation facilities within two (2) miles of the site;
 - (4) If final destination, what recreation facilities will be provided;
 - (5) If ancillary, how will campers reach the recreation facilities;
 - (6) What measures will be taken to prevent adverse effects on adjacent forest or farm lands; and
 - (7) How large and what type buffer will be provided between the site and adjacent farm and forest uses.
- I. The applicant shall sign and record in the Deed and miscellaneous records of the County, a waiver of the right to remonstrate against customarily accepted farm or forest practices.

- J. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of thirty (30) days during any consecutive six (6) month period.

9. Amend Section 430-37.2, Rural, as shown below:

430-37.2 Rural

A. In the EFU and AF-20 Districts, a primary dwelling unit customarily provided in conjunction with farm use may be approved when the following standards are met:

- (1) The subject tract is currently employed for farm use, as defined in ORS 215.203, that produced:
- (a) In the EFU and AF-20 Districts on land identified as high-value farmland at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; or
 - (b) In the AF-20 District on land not identified as high-value farmland at least \$20,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

By March 1st of each year, the Director shall publish an annual table specifying the basis for determining the required annual income in 1994 dollars for that year and each of the last five (5) years. The table shall be computed from the Portland/ Vancouver Area CPIU, with the CPIU for the second half of 1994 as the base number for 1994 dollars. The table shall include a factor, stated as a percentage, by which any dollar amount for the year and each of the last five (5) years shall be multiplied to determine equivalent 1994 dollars. The table shall also include the equivalent of \$20,000 and \$80,000 in 1994 dollars* for the year and each of the last five (5) years;

* editor's note: The following table provides equivalent annual farm income amounts for 1994 through 2001, based on US Bureau of Labor Statistics data for Average Annual CPIU (Consumer Price Index for Urban Consumers) for the Portland Area:

Year	Annual Average CPIU (Portland Area)	Percentage of the CPIU for 1994	\$ Equivalent to \$20,000 in 1994	\$ Equivalent to \$80,000 in 1994
2001	182.4	122.5%	24,500	98,000
2000	178.0	119.5%	23,900	95,600
1999	172.6	115.9%	23,180	92,720
1998	167.1	112.2%	22,440	89,760
1997	164.0	110.1%	22,000	88,000

- (2) Except as permitted in Section 340-4.1 N. and 344-4.1 N., there is no other dwelling on the subject tract; and
- (3) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in Section (1) above.
- (4) In determining the gross income required by Section (1) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from farm land owned, not leased or rented, shall be counted.
- (5) To demonstrate compliance with Section (1) above, an applicant shall submit the following evidence:
 - (a) Federal income tax returns, and a list describing where the farmed properties are located, their size, the type of crops or livestock products raised on the properties, and the amount of income produced from the properties and from each farm product; or
 - (b) Sales receipts for the sale (retail or wholesale) of products produced from the property; or
 - (c) Other information as may be necessary to prove income; and
 - (d) An affidavit signed by the person whose income is in question, certifying that income requirements for the parcel have been met.

The Review Authority may consider statistical information compiled by the Oregon State University Extension or other objective criteria, such as average yields per acre and average price per unit, to calculate income to verify an applicant's information.

- (6) If the tract consists of two or more lots or parcels and more than one lot or parcel is used to meet the income standards of this section, the dwelling may be approved if:

Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remainder of the tract. This restriction does not apply to seasonal farm worker housing, accessory farm dwellings and replacement dwellings.

The restrictive covenant shall be irrevocable, unless the Director finds that the tract is no longer subject to Statewide Goal 3

(Agricultural Lands) or, if a dwelling is proposed on another lot or parcel that is part of the tract that was used to meet the income requirements, each parcel meets the income standards of this section.

B. In the EFU and AF-20 Districts, a primary dwelling in conjunction with the propagation or harvesting of a forest product may be approved when the following standards are met:

- (1) The lot or parcel is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and
- (2) The lot or parcel is not high-value farmland as defined by Section 340-2 or 344-2, whichever is applicable.
- (3) The following information establishes standards which an applicant may use in applying for a dwelling approval under (1) above. Applicants are not limited to these standards if the applicant can otherwise demonstrate that the proposed woodlot can meet the \$20,000 income requirement.

Minimum acreage to produce \$20,000 annual gross income over the growing cycle¹ for merchantable trees.²

Cubic Feet Site Class	Acreage (Douglas Fir)
2 (165-224 cf/ac)	34
3 (120-164 cf/ac)	48
4 (85-119 cf/ac)	68
5 (50-84 cf/ac)	86
6 (20-49 cf/ac)	128

SITE INDEX CONVERSION TABLE

GROWTH MEASURES	SCALE																
SCS Site Index: Height in Feet at 100 Years	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Oregon Dept. of Forestry Potential Yield: Cubic Feet/Acre Scale	20	20-49	50 - 84			85 - 119			120 - 164				165 - 224				

C. A Dwelling Unit located on real property used for farm use occupied by a relative may be approved when:

¹Based on a 55 to 60 year growth cycle and a small log value of \$235.00 in June 1983.

²Source: Oregon Department of Forestry, September 1983.

- (1) The dwelling is located on the same lot or parcel as the dwelling of the farm operator; and
- (2) The relative is a grandparent, stepgrandparent, grandchild, parent, stepparent, child, sibling, stepsibling, niece, nephew or first cousin of the farm operator, or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator;
- (3) The farm operator continues to play the predominant role in the management and farm use of the farm. For the purposes of this section, a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions, about such things as planting, harvesting, feeding and marketing; and
- (4) The lot or parcel which receives a building permit under these provisions shall not be partitioned or subdivided unless any residence approved under these provisions is removed. Unless, notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses in the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

D. In the EFU and AF-20 Districts, accessory dwellings customarily provided in conjunction with farm use may be approved when: ~~where an additional farm related dwelling(s) is(are) necessary for full time help. Subsequent to or concurrently with the approval of a farm related dwelling pursuant to this Code, an additional dwelling or dwellings may be allowed provided there is a finding that the proposed dwelling is customarily required to conduct the proposed farm use considering:~~

(1) Subsequent to or concurrently with the approval of a primary farm related dwelling pursuant to this Code, an accessory dwelling(s) may be allowed provided there is a finding that the proposed accessory dwelling(s) is customarily required to conduct the proposed farm use considering:

- (1a) Size of Parcel and Farm (proposed and/or existing);
- (2b) Type of Farm Use (proposed and/or existing);
- (3c) Potential Markets (proposed and/or existing);
- (4d) Accepted farming practices as that term is defined in ORS Chapter 215;

(5e) A three (3) year farm management plan which describes the present and proposed farm uses for the farm operation; and

(6f) Other evidence the Director considers necessary (e.g., soil type).

~~(7) In the EFU and AF-20 Districts, dwelling units in conjunction with farm use for additional farm-related dwelling(s) necessary for full-time farm help may be approved if all the following requirements are met:~~

(2) In addition to (1) above, the applicant shall demonstrate the accessory dwelling(s) complies with the applicable requirements of OAR 660-033.

~~(a) The additional farm dwelling(s) 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;~~

~~(b) The additional dwelling(s) will be located:~~

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

~~(ii) On the same tract as the principal farm dwelling when the lot or parcel on which the additional dwelling(s) will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or~~

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

~~(c) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm~~

~~or ranch and that could reasonably be used as an additional farm dwelling;~~

- ~~(d) The principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:~~
 - ~~(i) On land identified as high value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; or~~
 - ~~(ii) In the AF-20 District on land not identified as high value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$20,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.~~
 - ~~(iii) By March 1 of each year, the Director shall publish an annual table specifying the basis for determining the required annual income in 1994 dollars for that year and each of the last five (5) years. The table shall be computed from the Portland/Vancouver Area CPIU, with the CPIU for the second half of 1994 as the base number for 1994 dollars. The table shall include a factor, stated as a percentage, by which any dollar amount for the year and each of the last five (5) years shall be multiplied to determine equivalent 1994 dollars. The table shall also include the equivalent of \$20,000 and \$80,000 in 1994 dollars for the year and each of the last five (5) years.~~
 - ~~(iv) To demonstrate compliance with Section (4 a and b) above, an applicant shall submit the following evidence:~~
 - ~~(aa) Federal income tax returns, and a list describing where the farmed properties are located, their size, the type of crops or livestock raised on the properties, and the amount of income produced from the properties and from each farm product; or~~
 - ~~(bb) Sales receipts for the sale (retail or wholesale) of products produced from the property; or~~
 - ~~(cc) Other information as may be necessary to prove income; and~~
 - ~~(dd) An affidavit signed by the person whose income is in question, certifying that income requirements for the parcel have been met.~~

~~The Review Authority may consider statistical information compiled by the Oregon State University Extension or other objective criteria, such as average yields per acre and average price per unit, to calculate income to verify an applicant's information;~~

~~(e) The governing body of a county shall not approve any proposed division of a lot or parcel for an additional farm dwelling approved pursuant to Section 430-37.2 D.~~

~~— If it is determined that an additional farm dwelling(s) satisfies the requirements of OAR 660-33-135, a parcel may be created consistent with the minimum parcel size requirements in OAR 660-33-100;~~

~~(f) An additional farm dwelling approved pursuant to Section 430-37.2 D. cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to OAR 660-33-130(4); and~~

~~(g) For the purposes of this section, "tract" means one (1) or more contiguous lots or parcels under the same ownership.~~

10. Amend Section 430-105, Public Utility, as shown below:

430-105.7 Underground pipes and conduits which introduce an urban service outside the Urban Growth Boundary.

Prior to commencing any extension of underground pipes or conduits for urban services into any area outside the Urban Growth Boundary, an applicant shall provide a sworn affidavit that no hookups to the extended line will be allowed outside the UGB except:

A. Waterlines

- (1) Within the boundaries of a lawfully created community, private or public water system or district, as allowed by Policy 22 of the Rural/Natural Resource Plan; or
- (2) To replace water from an existing water supply that has been documented to be unsafe for human consumption or insufficient to support domestic uses, in the manner described by the Rural/Natural Resource Plan.

B. Sewerlines

- (1) To relieve an identified health hazard; or

- (2) Once the line is established, to provide for disposal of sewage in connection with:
- (i) A farm labor camp; or
 - (ii) A food processing operation.
- (3) Notwithstanding (1) and (2) above, a connection to an existing sewerline may be approved for a residential use pursuant to OAR 660-011-0060(8) and (9).