

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE #416**

4 _____
5
6 **Relating to land use planning; amending 1.1371, 1.1373, 1.1375, 1.1620, and 1.1630; and**
7 **declaring an emergency.**
8 _____

9 The Lincoln County Board of Commissioners ordains as follows:

10 **SECTION 1.**

11 LCC 1.1371 is amended to read:

12 1.1371 Definitions for LCC 1.1372 to 1.1375

13 As used in LCC 1.1372 to 1.1375:

14 (1)(a) "High value farmland" means:

15 (A) Land in a tract composed predominantly of soils that are classified capability Class
16 II, whether irrigated or not irrigated;

17 (B) Tracts of land growing specified perennials as demonstrated by the most recent
18 aerial photography of the Agricultural Stabilization and Conservation Service of the United
19 States Department of Agriculture taken prior to November 3, 1993. As used in this
20 subparagraph, "specified perennials" means perennials grown for market or research purposes
21 including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards,
22 but not including seed crops, hay, pasture or alfalfa; or

1 (C) Tracts which include land used in conjunction with a dairy operation on January 1,
2 1993, and which are composed predominantly of the following soils in Class III and Class IV,
3 or a combination of the following soils and soils described in subparagraph (A) of this
4 paragraph:

5 (i) Subclassification IIIw (Brenner and Chitwood).

6 (ii) Subclassification IVe (Winema).

7 (iii) Subclassification IVw (Coquille).

8 (b) Soil classes and ratings used in this subsection are those of the Soil Conservation
9 Service in its most recent publication for that class or rating prior to November 3, 1993.

10 (2) "Lot" means a unit of land created by subdividing land as defined in ORS
11 92.010.

12 (3)(a) "Parcel" means a unit of land not created solely to establish a separate tax
13 account and:

14 (A) Created by partitioning land as defined in ORS 92.010;

15 (B) In compliance with all applicable planning, zoning, partitioning and subdivision
16 ordinances and regulations; or

17 (C) Created by deed or land sales contract if there were no applicable planning,
18 zoning, partitioning, or subdivision ordinances or regulations. As used in this subparagraph,
19 "created by" means a unit of land specifically described in the deed or land sales contract, or
20 a remnant unit of land resulting from such deed or land sales contract.

21 ////

1 (b) As used in this subsection, a lot or parcel remains a discrete lot or parcel
 2 notwithstanding that it has been conveyed or described separately as two or more units of
 3 land in a single recorded deed or land sales contract.

4 (4) "*Lawfully created lot or parcel*" includes:

5 (a) *Lots created by recordation of a subdivision plat.*

6 (b) *Parcels created by the recordation of a partition plat.*

7 (c) *Parcels created by deed or land sales contract prior to February 12, 1974*
 8 *(effective date of Lincoln County Ordinance #34, Zoning).*

9 (d) *Parcels created by deed or land sales contract after February 12, 1974 and*
 10 *before September 22, 1982 (effective date of Lincoln County Ordinance #180, Minor*
 11 *Partitioning Procedures) in conformance with requirements imposed by zoning in effect at*
 12 *the time of creation.*

13 (e) *Parcels created through final approval of a land partition granted by Lincoln*
 14 *County after September 22, 1982.*

15 (f) *Parcels created by deed or land sales contract recorded prior to November 5,*
 16 *1991, based on a division by a public road or alley. In accordance with ORS 92.177, such*
 17 *parcels shall be recognized as lawfully created upon application for land use approval; the*
 18 *date of creation of such parcels shall be the date of approval of such application.]*

19 ~~[(5)]~~ (4) "Tract" means one or more contiguous lots or parcels under the same
 20 ownership.

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1 **SECTION 2.**

2 LCC 1.1373 is amended to read:

3 1.1373 Agricultural Conservation Zone A-C

4 In an A-C zone, the following regulations shall apply:

5 (1) Uses Permitted Outright:

6 The following uses and their accessory uses are permitted subject to the applicable
7 provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599 and 1.1901 to 1.1999:

8 (a) Farm use as defined in ORS 215.203.

9 (b) Other buildings customarily provided in conjunction with farm use.

10 (c) Propagation and harvesting of a forest product.

11 (d) Creation, restoration and enhancement of wetlands.

12 (e) A winery as defined in ORS 215.452.

13 (f) Operations for the exploration of geothermal resources as defined by ORS 522.005,
14 oil and gas as defined by ORS 520.005, or minerals as defined by ORS 517.750.

15 (g) Climbing and passing lanes within a highway right of way existing as of July 1,
16 1987.

17 (h) Reconstruction or modification of public roads and highways, not including the
18 addition of travel lanes, where no removal or displacement of structures would occur, and no
19 new land parcels would be created.

20 (i) Temporary public road and highway detours that will be abandoned and restored to
21 original condition when no longer needed.

1 (j) Minor betterment of existing public roads and highway related facilities, such as
 2 maintenance yards, weigh stations and rest areas within right of way existing as of July 1,
 3 1987, and contiguous public-owned property utilized to support the operation and maintenance
 4 of public roads and highways.

5 (k) Alteration, restoration or replacement of a lawfully established dwelling that:

6 (A) Has intact interior walls and roof structure;

7 (B) Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities
 8 connected to a sanitary waste disposal system;

9 (C) Has interior wiring or interior lights;

10 (D) Has a heating system; and

11 (E) In the case of replacement, is removed, demolished or converted to a permitted
 12 nonresidential use within 90 days of completion of the replacement dwelling.

13 **(L) Fire service facilities providing rural fire protection services.**

14 (2) Conditional Uses Permitted:

15 The following uses and their accessory uses may be permitted subject to the applicable
 16 provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to
 17 1.1999:

18 (a) One single family dwelling customarily provided in conjunction with farm use,
 19 subject to subsection (3) of this section.

20 (b) One single family dwelling not provided in conjunction with farm use, subject to
 21 subsection (4) of this section.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (c) One single family dwelling on a tract of record, meeting the following
2 qualifications:

3 (A) The lot or parcel on which the dwelling is to be sited was lawfully created and was
4 acquired by the present owner prior to January 1, 1985, or by devise or intestate succession
5 from a person who acquired the lot or parcel prior to January 1, 1985.

6 (B) The tract upon which the dwelling is to be sited does not include another a
7 dwelling.

8 (C) The lot or parcel upon which the dwelling is to be sited is not on high value
9 farmland.

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

12 (E) The director shall notify the county assessor of any decision to permit a dwelling
13 under this subsection.

14 (F) As used in subparagraph (A) of this paragraph, "owner" includes the wife, husband,
15 son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law,
16 daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent,
17 stepchild, grandparent or grandchild of the owner, or a business entity owned by any one or
18 combination of these family members.

19 (d) A farm help dwelling.

20 (e) A medical hardship dwelling.

21 (f) Primary processing of forest products.

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

5 (h) Churches and cemeteries in conjunction with churches, except that no such use may
6 be authorized within three miles of an urban growth boundary, unless an exception is approved
7 pursuant to ORS 197.732 and OAR chapter 660, division 4, and further that no such use may
8 be authorized on high value farmland.

9 (i) Utility facilities necessary for public service, excluding commercial utility facilities
10 for the purpose of generating power for public use by sale and transmission towers over 200
11 feet in height. A facility is necessary if it must be situated in an A-C zone in order for the
12 service to be provided.

13 (j) A replacement dwelling to be used in conjunction with farm use if the existing
14 dwelling has been listed in a county inventory as historic property and is listed on the National
15 Register of Historic Places.

16 (k) Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland
17 cement, except that asphalt production shall not be permitted within two miles of a producing
18 vineyard of 40 acres or more which is planted as of the date that the application for asphalt
19 production is filed.

20 **(L) Farm stands.**

21 **(m) Facility for the processing of farm crops.**

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1 (3) Additional Conditional Uses Permitted that are Subject to OAR 660-33-130(5):

2 The following uses and their accessory uses may be permitted subject to the provisions
3 of subsection (6) of this section and the applicable provisions of LCC 1.1401 to 1.1499, 1.1501
4 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999:

5 (a) Propagation, cultivation, maintenance, and harvesting of aquatic species.

6 (b) Residential home as defined in ORS 197.675 in an existing dwelling.

7 (c) Commercial activities in conjunction with farm use.

8 (d) Home occupation.

9 (e) Dog kennels, except that such uses are prohibited on high value farmland.

10 (f) Operations for the production of geothermal resources as defined in ORS 522.005,
11 and oil and gas as defined in ORS 520.005.

12 (g) Operations conducted for the mining, crushing or stockpiling of mineral, aggregate
13 and other subsurface resources subject to ORS 215.298.

14 (h) Personal use airports and heliports, including associated hangars and maintenance
15 and service facilities.

16 (i) Private parks, playgrounds, hunting and fishing preserves and campgrounds, except
17 that such uses are prohibited on high value farmland.

18 (j) Parks[,] and playgrounds [*or community centers owned by a governmental agency*
19 *or non-profit community organization*].

20 (k) **Community centers owned by a governmental agency or nonprofit community**
21 **organization and operated primarily by and for residents of the local rural community.**

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1 *[(k)]* **(L)** Golf courses, except that such uses are prohibited on high value farmland.

2 *[(l)]* **(m)** Transmission towers over 200 feet in height.

3 *[(m)]* **(n)** Commercial utility facilities for the purpose of generating power for public
 4 use by sale. A power generation facility shall not preclude more than 12 acres of high value
 5 farmland or 20 acres of other land from commercial farm use unless an exception is approved
 6 pursuant to OAR chapter 660, division 4.

7 *[(n)]* **(o)** A site for the disposal of solid waste approved by a city or county governing
 8 body and for which a permit has been granted by the Department of Environmental Quality
 9 under ORS 459.245, including the equipment, facilities, and buildings necessary for its
 10 operation, except that such uses are prohibited on high value farmland.

11 *[(o)]* **(p)** Construction of additional passing and travel lanes requiring the acquisition of
 12 right of way, but not resulting in the creation of new land parcels.

13 *[(p)]* **(q)** Reconstruction or modification of public roads and highways involving the
 14 removal or displacement of structures, but not resulting in the creation of new land parcels.

15 *[(q)]* **(r)** Improvement of public roads and highway related facilities such as
 16 maintenance yards, weigh stations, and rest areas, where additional property or right of way is
 17 required, but not resulting in the creation of new land parcels.

18 **(s) Propagation, cultivation, maintenance and harvesting of aquatic or insect**
 19 **species.**

20 **(t) Operations for the extraction and bottling of water.**

21 **(4) Requirements for Dwellings Customarily Provided in Conjunction with Farm Use:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 (a) On land not identified as high-value farmland, a dwelling may be considered
2 customarily provided in conjunction with farm use if:

3 (A) The parcel on which the dwelling will be located is at least 160 acres;

4 (B) The subject tract is currently employed for farm use, as defined in ORS 215.203;

5 (C) The dwelling will be occupied by a person or persons who will be principally
6 engaged in the farm use of the land, such as planting, harvesting, marketing or caring for
7 livestock, at a commercial scale; and

8 (D) There is no other dwelling on the subject tract.

9 (b) On land not identified as high-value farmland, a dwelling may be considered
10 customarily provided in conjunction with farm use if:

11 (A) The subject tract is currently employed for the farm use, as defined in ORS
12 215.203, that produced in the last two years, or three of the last five years, gross annual income
13 of at least \$22,500. In determining the gross income required by this subparagraph, the cost of
14 purchased livestock shall be deducted from the total gross income attributed to the tract;

15 (B) There is no other dwelling on the subject tract; and

16 (C) The dwelling will be occupied by a person or persons who produced the
17 commodities which generated the grossed income described in subparagraph (A) of this
18 paragraph.

19 (c) On land not identified as high-value farmland, a dwelling may be considered
20 customarily provided in conjunction with farm use if:

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

5 (B) The subject tract is capable of producing at least the median level of annual gross
6 sales of county indicator crops as the same commercial farm or ranch tracts used to calculate
7 the tract size in subparagraph (A) of this paragraph;

8 (C) The subject tract is currently employed for a farm use, as defined in ORS 215.203,
9 at a level capable of producing the annual gross sales required in subparagraph (B) of this
10 paragraph;

11 (D) The subject lot or parcel on which the dwelling is proposed is not less than 10
12 acres;

13 (E) There is no other dwelling on the subject tract; and

14 (F) If no farm use has been established at the time of application, land use approval
15 shall be subject to a condition that no building permit may be issued prior to the establishment
16 of the farm use required by subparagraph (C) of this paragraph.

17 (d) In order to identify the commercial farm or ranch tracts to be used in paragraph (c)
18 of this subsection, the gross sales capability of each tract in the study area including the subject
19 tract must be determined, using the gross sales figures provided by the Land Conservation and
20 Development Commission pursuant to OAR 660-33-135(4) as follows:

1 (A) Identify the study area. This includes all the land in the tracts wholly or partially
2 within one mile of the perimeter of the subject tract;

3 (B) Determine for each tract in the study area the number of acres in every land
4 classification from the county assessor's data;

5 (C) Determine the potential earning capability for each tract by multiplying the number
6 of acres in each land class by the gross sales per acre for each land class provided by the LCDC
7 pursuant to OAR 660-33-135(4). Add these to obtain the potential earning capability for each
8 tract.

9 (D) Identify those tracts capable of grossing at least \$10,000 dollars based on the data
10 generated in subparagraph (C) of this paragraph; and

11 (E) Determine the median size and median gross sales capability for those tracts
12 capable of generating at least \$10,000 dollars in annual gross sales to use in subparagraphs (A)
13 and (B) of paragraph (c) of this subsection.

14 (e) On land identified as high-value farmland, a dwelling may be considered
15 customarily provided in conjunction with farm use if:

16 (A) The subject tract is currently employed for the farm use, as defined in ORS
17 215.203, that produced at least \$80,000, in 1994 dollars, in gross annual income from the sale
18 of farm products in the last two years or three of the last five years. In determining the gross
19 income required by this subparagraph, the cost of purchased livestock shall be deducted from
20 the total gross income attributed to the tract;

21 (B) There is no other dwelling on the subject tract; and

1 (C) The dwelling will be occupied by a person or persons who produced the
2 commodities which generated the gross income described in subparagraph (A) of this
3 paragraph.

4 (f) A dwelling customarily provided in conjunction with farm use shall be located on a
5 lawfully created lot or parcel.

6 (5) Requirements for Dwellings Not Provided in Conjunction With Farm Use:

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

9 (a) The dwelling or activities associated with the dwelling will not force a significant
10 change in, or significantly increase the cost of, accepted farming or forest practices on nearby
11 lands devoted to farm or forest use;

12 (b) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is
13 generally unsuitable land for the production of farm crops and livestock or merchantable tree
14 species, considering the terrain, adverse soil or land conditions, drainage and flooding,
15 vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable
16 solely because of size or location if it can reasonably be put to farm or forest use in conjunction
17 with other land. If the parcel is under forest assessment, the dwelling shall be situated upon
18 generally unsuitable land for the production of merchantable tree species recognized by the
19 Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and
20 flooding, vegetation, location and size of the parcel. A lot or parcel is not "generally
21 unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel

1 can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, it is
2 not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed
3 predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use
4 does not mean it is not suitable for another farm use. If the parcel is under forest assessment,
5 the area is not "generally unsuitable" simply because it is too small to be managed for forest
6 production profitably by itself. If a lot or parcel under forest assessment can be sold, leased,
7 rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable."
8 If a lot or parcel is under forest assessment, it is presumed suitable if it is composed
9 predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a
10 lot or parcel is under forest assessment, to be found compatible and not seriously interfere with
11 forest uses on surrounding land it must not force a significant change in forest practices or
12 significantly increase the cost of those practices on the surrounding land;

13 (c) The dwelling will not materially alter the stability of the overall land use pattern of
14 the area. In determining whether a proposed nonfarm dwelling will alter the stability of the
15 land use pattern in the area, the director or commission shall consider the cumulative impact of
16 nonfarm dwellings on other lots or parcels in the area similarly situated. If the application
17 involves the creation of a new parcel for the nonfarm dwelling, the director or commission
18 shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to
19 the detriment of agriculture in the area; and

20 (d) The dwelling will be located on a lawfully created lot or parcel.

21 (6) Requirements for Conditional Uses Subject To OAR 660-33-130(5):

1 Approval of uses subject to the requirements of this subsection requires findings that
2 such uses:

3 (a) Will not force a significant change in a accepted farm or forest practices on
4 surrounding lands devoted to farm or forest use; and

5 (b) Will not significantly increase the cost of accepted farm or forest practices on lands
6 devoted to farm or forest use.

7 (7) Additional Tax Payment Requirements:

8 Any conditional use approval for a non-farm use in the A-C zone shall require as a
9 condition that, prior to final permit approval, verification be provided from the Lincoln County
10 Assessor that any additional taxes imposed on the change in use have been paid.

11 (8) Lot Size Standards:

12 (a) The minimum lot size shall be 80 acres.

13 (b) Land divisions creating parcels of less than 80 acres may be permitted for non-farm
14 uses authorized in accordance with subsection (2) or (3) of this section. Such new parcels shall
15 be the minimum size needed to accommodate the authorized use. No new parcels for non-farm
16 uses may be created until after the subject use has been authorized in accordance with
17 subsections (2) or (3) of this section.

18 (c) New lots or parcels for dwellings not in conjunction with farm use may be
19 permitted only if the dwelling has been authorized in accordance with subsection (2) or (3) of
20 this section and:

1 (A) The remaining lot or parcel not containing the dwelling meets the minimum 80
2 acre parcel size of the A-C zone; or

3 (B) The remaining lot or parcel not containing the dwelling is consolidated with an
4 adjoining lot or parcel which together meet the 80 acre minimum parcel size of the A-C zone.

5 (d) New parcels created for dwellings not in conjunction with farm use shall be a
6 minimum of two acres.

7 ~~[(8)]~~ **(9)** Dimensional Standards:

8 (a) The front yard shall be a minimum of 20 feet.

9 (b) Each side yard shall be a minimum of five feet, or one foot for each three feet of
10 building height, whichever is greater.

11 (c) The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a
12 minimum of either five feet, or one foot for each three feet of building height, whichever is
13 greater.

14 (d) No structure shall be located closer than 30 feet from the right of way of any state
15 highway, and no structure shall be located closer than 30 feet from the right of way of any
16 arterial or collector street which has a right of way width of less than 60 feet.

17 (e) No dwelling or residential accessory structure shall exceed a height of 30 feet.

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19 /////

20 /////

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1 **SECTION 3.**

2 Subsection (4) of LCC 1.1375 is amended to read:

3 1.1375 Timber Conservation Zone T-C

4 * * *

5 (4) Lot Size Standards:

6 (a) The minimum lot size shall be 80 acres.

7 (b) Land divisions creating parcels less than 80 acres in size may be approved:

8 (A) For uses which have been authorized in accordance with paragraphs (a) through (n)
9 of subsection (2) of this section. Such parcels shall be the minimum size necessary to
10 accommodate the authorized use.

11 (B) To allow the establishment of a parcel for an existing dwelling, subject to the
12 following requirements:

13 (i) The parcel established shall be not larger than five acres, except as necessary to
14 recognize physical factors such as roads or streams, in which case the parcel shall be no
15 larger than 10 acres;

16 (ii) The dwelling was lawfully established prior to June 1, 1995;

17 (iii) The remaining parcel, not containing the dwelling, is 80 acres or more in size or
18 is consolidated with another parcel, and together the parcels are 80 acres or more in size;

19 (iv) The remaining parcel, not containing the dwelling, is not entitled to a dwelling;

20 and

21 (v) The applicant landowner agrees to record in the deed records of the county a

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1 restriction applicable to the remaining parcel not containing the dwelling which prohibits the
2 placement of any new dwellings on the parcel, and is irrevocable unless a statement is
3 signed by the director indicating that the comprehensive plan or land use regulations
4 applicable to the property have been changed in such a manner that the parcel is no longer
5 subject to statewide planning goals pertaining to forest land; and

6 (vi) The applicant landowner agrees to record in the deed records of the county a
7 statement declaring that the landowner will not in the future complain about accepted
8 farming or forest practices on nearby lands devoted to farm or forest use.

9 **(C) To allow the division of a lot or parcel if:**

10 **(i) At least two dwellings lawfully existed on the lot or parcel prior to November**
11 **4, 1993;**

12 **(ii) Each dwelling currently complies with the criteria for a replacement**
13 **dwelling under LCC 1.1375(1)(q);**

14 **(iii) None of the dwellings was approved under a statute, administrative rule or**
15 **land use regulation as defined in ORS 197.015 that required removal of the dwelling or**
16 **that prohibited subsequent division of the lot or parcel;**

17 **(iv) At least one dwelling is located on each lot or parcel created;**

18 **(v) Not more than one of the lots or parcels created is less than two acres or**
19 **greater than five acres in size; and**

20 **(vi) The landowner of a lot or parcel created under this subparagraph provides**
21 **evidence that a restriction prohibiting the landowner and the landowner's successors**

1 **in interest from further dividing the lot or parcel has been recorded in the county deed**
2 **records. A restriction imposed under this subparagraph shall be irrevocable unless**
3 **a statement of release is signed by the director indicating that the land use regulations**
4 **applicable to the subject lot or parcel have been changed so that the lot or parcel is no**
5 **longer subject to statewide planning goals protecting forestland or unless the land**
6 **division is subsequently authorized by law or by a change in a statewide planning goal**
7 **for land zoned for forest use.**

8 (c) The director shall maintain a record of parcels that do not qualify for the siting of
9 a new dwelling under the restrictions imposed by subparagraph (v) of subparagraph (B) of
10 paragraph (b) of this subsection **and of parcels that do not qualify for division under the**
11 **restrictions imposed under subparagraph (vi) of subparagraph (C) of this**
12 **subsection.** The record shall be readily available to the public for inspection.

13 * * *

14 **SECTION 4.**

15 LCC 1.1620 is amended to read:

16 1.1620 Time Limit on a Conditional Use Approval

17 **(1) Approval of a conditional use authorizing a dwelling in the A-C or T-C zones**
18 **shall be void four years after the effective date of the decision if the authorized**
19 **development action is not initiated in that period.** Approval of [*a*] any other conditional
20 use shall be void two years after the effective date of the decision if the authorized
21 development action is not initiated in that period. As used in this subsection, "initiated" means

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1 that on-site sewage disposal construction permits, building permits or other necessary
2 approvals have been secured and exercised or maintained valid or, if no such approvals are
3 required, that the authorized use has been established.

4 (2) The division may grant one extension period of [*up to*] **24 months for dwelling**
5 **approvals in the A-C or T-C zones, or of 12 months for any other conditional use**
6 **approval if:**

7 (a) The applicant submits a written request for an extension of time in which to initiate
8 the development;

9 (b) The request is received by the division prior to the expiration of the approval
10 period;

11 (c) The applicant states the reasons that prevented the commencing or continuation of
12 development within the approval period; and

13 (d) The division determines that the applicant was unable to begin or continue
14 development during the approval period for reasons for which the applicant was not
15 responsible.

16 (3) Additional [*12 month*] extensions in conformance with the [*above*] standards **and**
17 **time periods set forth in subsection (2) of this section** may be authorized by the division
18 where the applicable criteria for the decision have not changed.

19 (4) The granting of an extension pursuant to this section is an administrative decision,
20 is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land
21 use decision.

1 **SECTION 5.**

2 Subsection (25) of LCC 1.1630 is amended to read, and subsections (29) through (31)
3 are added to LCC 1.1630, as follows:

4 1.1630 Standards and Procedures Governing Conditional Uses

5 * * *

6 (25) Standards for farm help dwellings:

7 (a) Farm help dwellings shall be located on the same lot or parcel as the dwelling of the
8 farm operator.

9 (b) Occupancy of farm help dwellings shall be limited to grandparents,
10 **stepgrandparents**, grandchildren, parents, **stepparents**, children, brothers, [*or*] sisters,
11 **sibling, stepsibling, niece, nephew or first cousin** of the farm operator or the farm operator's
12 spouse.

13 (c) Farm help dwellings shall be occupied by persons whose assistance in the
14 management of the existing commercial farming operation is required by the farm operator.
15 As used in this paragraph, "farm operator" means the person primarily and predominantly
16 responsible for performing the work and making the day-to-day decisions in the management
17 of the farm operation.

18 * * *

19 (29) **Standards for the propagation cultivation, maintenance and harvesting of**
20 **aquatic or insect species in the A-C zone:**

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1 **(a) Insect species shall not include any species under quarantine by State**
 2 **Department of Agriculture or the United States Department of Agriculture.**

3 **(b) The director shall provide notice of any application for conditional use**
 4 **approval to the State Department of Agriculture at least 20 days prior to an**
 5 **administrative decision under LCC 1.1210 (2) or initial public hearing under LCC**
 6 **1.1210 (3).**

7 **(30) Standards for farm stands in the A-C zone:**

8 **(a) Structures shall be designed and used for the sale of farm crops or livestock**
 9 **grown on the farm operation, or grown on the farm operation and other farm**
 10 **operations in the local agricultural area.**

11 **(b) Retail sales of other incidental items and/or fee based activity to promote the**
 12 **sale of farm crops and livestock sold at the farm stand are permitted provided that the**
 13 **revenues from sale of incidental items and fee based promotional activity do not exceed**
 14 **25 per cent of the total annual sales of the farm stand.**

15 **(c) A farm stand shall not include structures designed for occupancy as a**
 16 **residence or for activity other than the sale of farm crops and livestock, and may not**
 17 **include structures for banquets, public gatherings or public entertainment.**

18 **(31) Standards for facilities for processing of farm crops in the A-C zone:**

19 **(a) Facilities shall be located on a farm operation that provides at least one**
 20 **quarter of the farm crops processed at the facility.**

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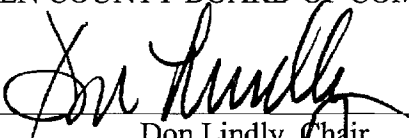
1 **(b) Building floor area devoted to processing shall not exceed 10,000 square feet,**
2 **exclusive of floor area designated for preparation, storage or other farm use.**

3 **SECTION 6.**

4 This Ordinance being necessary for the immediate preservation of the public peace,
5 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
6 its passage.

DATED this 5th day of June, 2002.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Don Lindly, Chair



Jean Cowan, Commissioner




Karen L. Gerttula, Commissioner

ATTESTED TO:



Zola Brophy, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.