



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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Fax (503) 378-5518

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NOTICE OF ADOPTED AMENDMENT

12/20/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment
DLCD File Number 006-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 30, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sam Litke, City of Keizer
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA

2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE STAMP
DEPT OF
DEC 13 2010
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: Keizer Local file number: TA2010-12

Date of Adoption: 12/6/2010 Date Mailed: 12/9/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 9/9/2010

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Text amendment to Comprehensive Plan to add an Agricultural Lands section containing policies aimed to preserve agriculture and to allow uses which are consistent with the city's Special Agricultural zone regulations; and to add Section 2.120 (Special Agriculture) to the Keizer Development Code affecting lands that are outside the city's urban growth boundary but within the city limits and which implement the proposed comprehensive policies.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: na to: na

Zone Map Changed from: na to: na

Location: na Acres Involved: na

Specify Density: Previous: na New: na

Applicable Statewide Planning Goals: na

Was and Exception Adopted? YES NO

DLCD File No.: 006-10 (18516) [16449]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

none

Local Contact: **Sam Litke, Senior Planner** Phone: **(503) 856-3442** Extension: _____

Address: **390 Chemawa Rd.** City: **Keizer**

Zip Code + 4: **97307-** Email Address: **litkes@keizer.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 BILL NO. 601

A BILL

ORDINANCE NO.

2010- 622

3 FOR

4
5 AN ORDINANCE

6
7
8 IN THE MATTER OF THE ADOPTION OF A NEW
9 AGRICULTURAL LANDS POLICIES AND
10 ADOPTION OF A NEW SPECIAL AGRICULTURE
11 (SA) ZONE; AMENDING ORDINANCE NO. 87-077
12 AND ORDINANCE NO. 98-389

13
14 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
15 City Council amendments to the Keizer Comprehensive Plan (Ordinance No. 87-077)
16 and the Keizer Development Code (Ordinance No. 98-389); and

17 WHEREAS, the City Council has held a hearing on this matter and considered the
18 testimony given and the recommendation of the Keizer Planning Commission; and

19 WHEREAS, the Keizer City Council has determined that it is necessary and
20 appropriate to amend the Keizer Comprehensive Plan (Ordinance No. 87-077) and the
21 Keizer Development Code (Ordinance No. 98-389) as set forth herein; and

22 WHEREAS, the Keizer City Council has determined that such amendments meet
23 the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
24 Development Code;

25 NOW, THEREFORE,

1 The City of Keizer ordains as follows:

2 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
3 Exhibit "A" attached hereto and by this reference incorporated herein.

4 Section 2. ADOPTION OF A NEW AGRICULTURAL LANDS POLICIES.
5 Ordinance No. 87-077 (Keizer Comprehensive Plan) is amended by the adoption of a
6 new Agricultural Lands, a copy of which is attached as Exhibit "B", and by this
7 reference incorporated herein.

8 Section 3. ADOPTION OF A NEW SPECIAL AGRICULTURE (SA) ZONE.
9 Ordinance No. 98-389 (Keizer Development Code) is hereby amended by the adoption
10 of the new Special Agriculture (SA) Zone as set forth in Exhibit "C" attached hereto, and
11 by this reference incorporated herein.

12 Section 4. SEVERABILITY. If any section, subsection, sentence, clause,
13 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
14 is denied acknowledgment by any court or board of competent jurisdiction, including,
15 but not limited to the Land Use Board of Appeals, the Land Conservation and
16 Development Commission and the Department of Land Conservation and Development,
17 then such portion shall be deemed a separate, distinct, and independent provision and
18 such holding shall not affect the validity of the remaining portions hereof.

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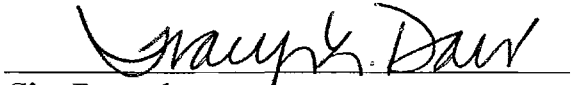
Section 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its passage.

PASSED this 6th day of December, 2010.

SIGNED this 8th day of December, 2010.



Mayor



City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.120, Special Agriculture and Agricultural Lands section of the Comprehensive Plan)

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
 - a. The proposal will add a new section to the Keizer Development Code (2.120 Special Agriculture) and to the Comprehensive Plan (Agricultural Lands).
 - b. Public hearings were held before the Planning Commission on October 13, 2010 and before the City Council on November 1, 2010.
 - c. The particulars of this case are found within planning case file Text Amendment 2010-12. The Planning Commission and the City Council each unanimously supported the proposed text amendments to the development code regulation and Comprehensive Plan.
2. A demonstrated need exists for the product of the proposed amendment - Section 3.111.04.B.

Findings: The proposed revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the City's Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The intent is to identify chapters that can be updated in a manageable format. This text amendment is the third step in the process for the City to be able to acquire land that is located adjacent to the Keizer Rapids Park and include it into the park. This acquisition is complicated by the fact that the land is outside the city's Urban Growth Boundary (UGB) and the funding that will be used to purchase the property is restricted to lands that are within the city limits. Earlier this year the City amended its annexation regulations to allow the annexation of land outside of the city's UGB and in August, the Marion County Board of Commissioners amended the County's Comprehensive Plan to allow the annexation of land outside of the city's urban growth boundary if the land is adjacent to the Keizer Rapids Park and will be used as part of the park.

Before an annexation application can be processed the City needs to have an EFU qualifying zone and an Agricultural Lands section of the comprehensive plan and this new zone designation be placed on the areas to be annexed. The proposed amendment will add a new Agricultural Lands section to the city's Comprehensive Plan and contains policies aimed to preserve agriculture and to allow uses consistent with these policies. Section 2.120 (Special Agriculture) will be added to the Keizer Development Code and will be an EFU qualifying zone and will only affect lands that are outside the city's UGB but within the city limits. Therefore, the proposed code revision complies with this review criterion.

3. The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules – Section 3.111.04.C.

FINDINGS: The proposed text amendments comply with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving a public hearing, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Citizens were afforded the opportunity to participate in the public process and during the public hearing before the Planning Commission. In addition, with the intent of this revision to allow the City of Keizer to be able to annex land that is currently outside of the urban growth boundary so that it can be developed as a park in a manner that will compliment the adjacent Keizer Rapids Park will result in there being public hearings before the Keizer Planning Commission and also before the Keizer City Council which will further allow for public participation and so will be consistent with this goal. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this Goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code and city's comprehensive plan. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the Planning Commission and City Council where the opportunity for both verbal and written testimony was provided. The extraordinary circumstances that relate to this proposal is that the City of Keizer seeks to be able to annex land adjacent to the Keizer Rapids park and then be able to include it as part of the operation of the Keizer Rapids Park. For the acquisition of the property to occur the area must be within the city limits in order to use the urban renewal funds. The ultimate goal is for the area to be

included as part of the urban growth boundary however, that process will be a long and complicated land use process. After the city concludes its periodic review update it will likely endeavor upon an urban growth boundary amendment and most likely this area will be considered at that time for inclusion. However, because time is of the utmost concern that process was determined to not be a viable option. Therefore, the proposed revision to the zone code and comprehensive plan is consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within Marion County there are several zones that are designated to allow and to support commercial agricultural uses. Agriculture is a key component of the county's overall economic strategies and the county has adopted an Exclusive Farm Use (EFU) zone designation that is applied to the majority of agricultural resource lands within the county. This zone is consistent with state requirements and implements Oregon Administrative Rules affecting the use of agricultural lands. This text amendment will not impact any properties that are designated to allow for agricultural uses. Only lands which are outside of Keizer's urban growth boundary and which are also contiguous to the Keizer Rapids Park will be affected. Marion County Comprehensive Plan policies allow for the annexation of land that is outside of the urban growth boundary for health reasons such as failing groundwater supplies, or sanitary sewerage related issues, or if the land is adjacent to the Keizer Rapids Park and is also adjacent to the city limits.

This text amendment will only allow the City of Keizer to be able to process an annexation application, it will not in and of itself annex any land. Because the land which the city would like to acquire is outside the City of Keizer's urban growth boundary the annexation of the land will not result in the land being brought into the urban growth boundary and so will necessitate this area being designated with an EFU qualifying zone designation. Any use of the property will need to be in accordance with those uses permitted within that EFU qualifying zone designation. In this case, the land is currently designated Marion County EFU and upon annexation the City of Keizer will designate it with an SA zone designation which is similar to Marion County's EFU qualifying zone. The SA zone will implement the proposed Agricultural Lands section of the Comprehensive Plan and state laws affecting the use of agricultural lands. The purpose for the text amendments are so the land can be purchased and then become part of the adjacent Keizer Rapids Park. This will require the city to obtain conditional use approval consistent with the review criteria within the SA zone prior to any park uses occurring on the property. Consistent with other regulations the City of Keizer will not extend sanitary sewer lines to serve the newly annexed land. Therefore, the proposed text amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. While significant portion of the eastern portion of Marion County is designated to allow commercial forestry there are no commercial forest lands adjacent to the Keizer Rapids Park. The text amendments do not involve any land which is designated as forest land, nor will they impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, floodplain, big game habitat, etc. The city established overlay zones to maintain, preserve and protect the natural resources that are identified within the comprehensive plan. The proposed amendments to the development code and to the comprehensive plan will enhance the city's natural resources protection regulations. The City of Keizer has a number of Goal 5 protections already in place such as an inventory of wetlands within the city limits, floodplain regulations, and Willamette River Greenway regulations. There are no identified wetlands on the area proposed to be annexed. A very small portion of the area is shown on the floodplain maps and there is no greenway area on the site. The site is flat and does not have any steep slopes. The area is not identified as being in a big game habitat area. The intent of the proposal is for area to be incorporated as part of the adjacent Keizer Rapids Park. This will ensure that it is protected consistent with all city, county, and state regulations. It is the goal of the Keizer Rapids Park Master Plan to preserve and maintain all the natural resources that are associated with the Keizer Rapids Park. By including two parcels which area adjacent to the Keizer Rapids Park into the park will result in this area then being given the same resource protections as other lands with the park. Therefore, the text amendment will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city has a number of regulations in place which aim to protect, maintain and enhance and protect its natural resources such as air, water and land. The City of Keizer provides its residents with city water from groundwater sources and has developed and is implementing storm water regulations which seek to enhance water quality of not only local streams but also that of the Willamette River. Since the land the city seeks to be able to annex will be used for a park there will be no new construction thereby eliminating the possibility of groundwater contamination from failing on-site septic systems. The text amendments will have a positive impact on the quality of air, water, or land resources. As such, the proposal complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The City of Keizer has adopted floodplain regulations that govern the placement of structures within identified 100-year floodplains. A floodplain is

the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. A small portion of the property which the city would like to annex is within the identified 100 year floodplain. Any use within this area will need to be consistent with the city's floodplain regulations. The proposed Section 2.120 (SA zone) and the Agricultural Lands section of the Comprehensive plan will each enhance the regulations by limiting the types of activities and uses that can occur on lands that are designated SA. The revision to the City's Comprehensive Plan and development code will be consistent with this goal and any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city as identified in the parks master plan. The proposed text amendment will affect only the annexation of land that is adjacent to the existing Keizer Rapids Park. The Keizer Rapids Park is located on the west end of the city of Keizer at the terminus of Chemawa Road. This is a 120 acre regional park that was recently developed through the cooperation of the City of Keizer, Marion County, and the State of Oregon. The Keizer Rapids Park has received conditional use approval from Marion County (CUP06-44) to operate as a park and has its own master plan to guide the development of this park.

The Keizer Rapids Park master plan includes a boat ramp/dock located in the area where the open field adjoins the forested river bank. The location is related to various aspects associated with river hydrology and boat ramp design. It is recognized that the boat ramp will be required to be designed and engineered consistent with State Marine Board requirements and with applicable requirements of the floodplain/floodway regulations. The City of Keizer has recently received all necessary permits required to be able to construct a boat ramp. Given that this amenity will be funded by a State Marine Board grant its actual construction is therefore tied directly to receiving grant funding.

The large area that is currently an open field will be developed as a multi-use open space that can accommodate a baseball field and soccer field.

To the west of the access road near the playground is a cluster of park uses that includes the caretaker's dwelling, amphitheater, and a planned educational facility. The amphitheater has been constructed and is a small venue for music or presentations. The City has obtained an option to acquire the Buchanan property (the home is on close proximity to the former Charge residence). The plan is to allow flexibility in the placement of the caretaker and educational facilities situated around the central area of the residential structures. North of the caretaker/educational hub is a cluster of uses along the east side of the access way. This includes parking area, restroom facility, and an off-leash dog park.

The western portion of the park is significantly less developed than the eastern portion and captures the natural feeling of this portion of the park. The existing access road that serves this part of the park has been upgraded. Farther west is a small campsite along the river's edge that is available for use by water craft users. This camping area is accessible via the multi-use path and by water only. It is not intended that this site is available to car campers. In the northwest corner of the park is a parking area and disc golf course.

Throughout the park is a system of trails constructed of both hard and soft surfaces. The soft surface portions of the trail system are made of gravel, wood chips, or other organic material. The hard surface system provides access around the perimeter of the park with soft surface trails looping throughout the interior portions and within the conservation easement area where development is limited. The majority of the hard surface trails are in the more developed portion of the park. Areas prone to flooding will be developed with only seasonal trails.

The plan emphasizes retaining a large portion of the park in a natural state and to allow ample opportunity for wildlife viewing, nature study and other passive recreational pursuits. Also, with a significant portion of the having access to the river there will be opportunities for fishing. The entire site is designated with the Federal 6F designation, which requires the site to be used for recreational purposes consistent with that designation. The proposed amendment to the Comprehensive Plan and development code complies with this goal and any related rules.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The intent of this amendment is to expand the option of annexing land that is outside of Keizer's urban growth boundary and adjacent to the Keizer Rapids Park and which will be used as part of the Keizer Rapids Park upon annexation. The proposed amendments do not impact the ability of the City of Keizer to seek any additional types of commercial development, nor will it affect any established economic development strategies to encourage economic growth. The City of Keizer and Marion County, along with the cities of Salem and Turner, and Polk County have been participating in a regional economic opportunities analysis. The purpose of this planning study is to identify economic potentials and constraints within the Salem – Keizer regional

area. This will allow for better planning efforts to be made so as to enhance local economies. The area that the City of Keizer seeks to be able to annex is planned to be developed as park land and is not planned to be developed with any commercial or industrial uses. In addition the proposed SA zone will not allow either commercial or industrial developments. The land which the city seeks to annex is not served by public facilities nor is any planned to be extended that would be necessary to serve such a type of uses. As such, the proposed text amendments will have no impact on this goal.

Goal 10 – Housing: This goal requires the county to plan and provide for the housing needs of its residents. The area that the City of Keizer seeks to be able to annex is planned to be developed as a park in conjunction with the adjacent Keizer Rapids Park. This area is not planned to be developed with any single family residential or multiple family residential uses. In addition the proposed SA zone will not allow any residential subdivisions. The area which the city seeks to be able to annex is not served by public facilities nor are any planned to be extended. The City of Keizer has recently begun a regional housing needs analysis with Marion County, Polk County, and the City of Salem to conduct a housing inventory and then to be able to do a housing needs analysis for the region for the upcoming 20 year planning period. The proposed text amendment to the city's development code and to its Comprehensive Plan will not impact either this goal or any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of county. The city's residents who reside in the urbanized portions of the county are in some cases provided with sanitary sewer and water through arrangements with other providers such as the city of Salem. The city has an established street system, and provides administrative and police and public safety to its residents. The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), has an established street system, administrative and police and public safety is also provided by the city. The amendments will not allow the extension of urban services outside of the urban growth limits except as allowed in state law. The City of Keizer has agreed in an Intergovernmental Agreement that will expressly prohibit the extension of sanitary sewers lines outside the existing urban growth boundary to serve any area which may be affected by this proposal. However, pursuant to OAR 660-011-0065 the City of Keizer will be able to extend water to serve the newly annexed area. As a result of the amendments the City of Keizer will be able to process an annexation application and if that area is annexed into the city limits it will be the responsibility of the City of Keizer to provide police and administrative services to the area to be annexed. Fire service will continue to be provided by the Keizer Fire District. As part of the previous land use decision granted by the county to operate the Keizer Rapids Park (CUP06-44) the city and the county entered into an intergovernmental agreement regarding the maintenance of the western portion of Chemawa Road. This agreement outlines

that the City of Keizer shall be responsible for the maintenance and improvement of this section of the road as a condition of CUP06-44. As specified in an updated IGA the city will voluntarily take ownership of this portion of Chemawa Road thereby eliminating the county from being responsible for any improvement and maintenance issues associated with this portion of the street. The proposed text amendments will not impact the city's public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The city has an adopted Transportation System Plan (TSP) that describes the city's transportation systems. This TSP includes streets, transit, bike, rail, and pedestrian transportation systems that documents the city's transportation systems and plans for future transportation improvements over the coming 20-year planning period. As part of the previous land use decision which was granted by the county to operate the Keizer Rapids Park (CUP06-44) the city and the county entered into an intergovernmental agreement regarding the maintenance of the western portion of Chemawa Road. This agreement outlines that the City of Keizer shall be responsible for the maintenance and improvement of this section of the road as a condition of CUP06-44. As specified in an updated intergovernmental agreement dated 2010 the city will voluntarily take ownership of this portion of Chemawa Road thereby eliminating the county from being responsible for any improvement and maintenance issues associated with this portion of the street. Recently, the city has received STP funding for street improvements along Chemawa Road. This will include pedestrian and bicycle improvements as well as some street widening. This is consistent with the city's TSP. The revisions to the development code and to the Comprehensive Plan will have no impact on the city's transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed amendments will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The county and the city each have adopted Comprehensive Plans and zone codes that each comply with this goal. The proposed revision is to the Comprehensive Plan and development code will establish a SA zone and Agricultural Lands will establish an EFU qualifying zone that will allow rural uses consistent with state rules and laws. The proposed Sal zone will allow the City of Keizer to be able to annex land that is adjacent to the Keizer Rapids Park that is outside the city's UGB. The Keizer Rapids Park received conditional use approval from Marion County in 2006 to allow its development as a regional park. If this action is approved the land will be able to be annexed in to the city limits of Keizer, however the property will not be included within the urban growth boundary. Therefore, it will be unique in that it will be inside the city limits of Keizer yet outside the urban growth boundary and

subject to the rural requirements within the county's comprehensive plan. The city is not pursuing an exception to Goal 14 since the land upon annexation will be zoned SA, which is an EFU qualifying zone designation. This zone is similar to the EFU zone designation currently placed on the land by Marion County. Any uses of the land will need to be in accordance with the regulations within Section 2.120 (Special Agriculture) land use designation. Prior to using the land as a park the city would need to process a conditional use approval consistent with the provisions of the conditional use application process. Park use is consistent with state administrative rules subject to obtaining a conditional use permit consistent with the review criteria within Section 2.120. Sanitary sewer will not be extended outside of the urban growth boundary and so will not be extended to serve any land that the City Keizer would annex through this process. The Special Agriculture zone designation will not permit any subdivisions within this zone district. For these reasons the proposal is consistent with this goal and with its implementing administrative rules.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. Portions of property located along the Willamette River are within the 100-year floodplain along the river. In addition, some properties which may extend into the river also have the floodway portion of the river on these properties. The regulations seek to prohibit development which is within the floodway, or channel of the river. This is the portion of the floodplain which can experience high water flows and high river velocity during flood events. The risk of loss of life or property damage in the floodway during these events can be considered extreme. The City of Keizer has its own Greenway regulations. The area which the city seeks to be able to annex is outside of the Greenway along the Willamette River. However, some portion of the Keizer Rapids Park is within the Greenway and all development within this area needs to be done in accordance with the greenway regulations. The proposed amendments will positively impact the ability of the city to regulate uses along the river through compliance with the City's Willamette River Greenway overlay zone regulations and so this goal is met.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revision to include Section 2.120 and the Agricultural Lands section to the Comprehensive Plan complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

4. **The amendment is appropriate as measured by at least one of the following criteria – Section 3.111.04.D:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed text amendment is intended to correct identified errors within the existing sign code regulations.

The proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. This text amendment is the third step in the process for the City to be able to acquire land that is located adjacent to the Keizer Rapids Park and include it into the park. This acquisition is complicated by the fact that the land is outside the city's Urban Growth Boundary (UGB) and the funding that will be used to purchase the property is restricted to lands that are within the city limits. Earlier this year the City amended its annexation regulations to allow the annexation of land outside of the city's UGB and in August, the Marion County Board of Commissioners amended the County's Comprehensive Plan to allow the annexation of land outside of the city's urban growth boundary if the land is adjacent to the Keizer Rapids Park and will be used as part of the park.

Before an annexation application can be processed the City needs to have an EFU qualifying zone and an Agricultural Lands section of the comprehensive plan and this new zone designation be placed on the areas to be annexed. The proposed amendment will add a new Agricultural Lands section to the city's Comprehensive Plan and contains policies aimed to preserve agriculture and to allow uses consistent with these policies. Section 2.120 (Special Agriculture) will be added to the Keizer Development Code and will be an EFU qualifying zone and will only affect lands that are outside the city's UGB but within the city limits. Therefore, the proposed code revision complies with this review criterion. The city council found that it was appropriate to consider the proposed amendment and that a need was demonstrated for the proposed text amendment. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

Agricultural Lands

Typically, agricultural zones permitting commercial farming are located outside of cities and are governed by county regulations. Keizer, like numerous other Oregon cities once had a number of farms and farm uses within its jurisdiction but over time these have been replaced with other urban uses. The pattern of development is that over time cities become developed with urban densities and with uses that are often not compatible with commercial farming practices. However, within Keizer there are two zone designations that each allow for commercial agricultural uses. These are the Exclusive Farm Use (EFU) and Special Agriculture (SA) zones. Each of these has its own set of city regulations.

Legislative policy and the Land Conservation and Development Commission Goal No. 3 on agricultural lands also indicates a need to preserve agricultural lands. This State Goal defines agricultural lands in western Oregon as land predominantly comprised of Class I - IV soils identified by the Natural Resource Conservation Service (NRCS) classification system and other lands which are suitable for farm use. Farm use is also defined as set forth in ORS 215.293 (2) (a) (1997 edition):“farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human use and animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to provide riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section, or land described in ORS 321.267 (1) (e) or 321.415 (5). The State goal as amended in 1994 indicates that these lands shall be preserved by applying Exclusive Farm Use zoning consistent with the requirements in OAR 660- 033. These statutes and rules define high-value farmland and establish review criteria for many of the uses allowed in EFU zones. As a result, the state land use program provides greater protection for high value farmland compared with other farmland protected under Goal 3.

It is the intent of the City of Keizer to maintain the ability to economically farm these lands by limiting conflicts with non-farm uses. This will be accomplished by prohibiting incompatible non-farming activities and by limiting land division to those compatible with agricultural needs consistent with the requirements of either ORS 215.213 or 215.283 and OAR 660-033.

The primary tools available to accomplish this goal are farm zoning and land division controls. Through the exercise of these controls, the agricultural industry can be maintained in the future. Even though land use controls can be effective in preserving agricultural lands, by far the most important aspect of this program is public attitude. Public support, particularly from farmers, farm related industry, and those people owning farm land in the County, is the real foundation upon which agricultural land preservation policies will be maintained.

Exclusive Farm Use

The City of Keizer has an EFU zone which consists of one property. The property is located adjacent to the Willow Lake Treatment Plant and is also within the Special Policy Area overlay zone surrounding the treatment plant which is the result of a coordinated effort by the City of Salem and the City Keizer regarding concerns from odor and sounds emitting from the treatment facility. It seeks to minimize uses and potential complaints from adjacent property owners to the use of the treatment facility.

While the city's EFU zoning requirements allow for the continued agriculture use of the property. Since the designation only involves property that is within the city limits and not outside the urban growth boundary it is not a requirement of the city that this zone district comply with all the requirements that have been adopted by the state. In addition, this EFU district is planned to one day be developed in a manner more consistent with urban development patterns which means it may be in other uses than farming. The EFU zone prohibits any residential development through the subdivision or partition process. While the EFU zone is fairly limiting in what it will allow, it is envisioned that a zone change to another zone would be requested by a property seeking to allow a change of use on the property. Such a rezone proposal will need to be consistent with all city procedures and process.

Special Agriculture

The other agriculture zone which the city has is the Special Agriculture zone. Unlike the city's EFU zone district the SA is an EFU qualifying zone. This zone is applied to land that was a Marion County EFU zoned area that was annexed into the city limits but is located outside of the urban growth boundary. Because it is not within the city's urban growth boundary it needs to have a zone designation that is consistent with state requirements governing uses within agricultural areas. Hence, the need for it to be an EFU qualifying zone. The SA zone is structurally modeled on the Marion County EFU zoning regulations with the significant difference being the list of conditional uses has been reduced.

One area which recently was designated SA is the area in the western part of the city adjacent to the Keizer Rapids Park. This area which until recently had been designated Marion County EFU. The adjacent park was approved by Marion County with a conditional use permit for the development of a park. The annexation of a parcel which

is currently outside the city limits will allow the city to be able to acquire it using urban renewal funding. With the annexation, the city will be able to process all land use applications and provide all public safety services without having to rely on the County. The caveat is that if the parcel remains outside of the urban growth boundary, it then needs to be zoned with an EFU qualifying zone and that all uses of the property be in accordance with this zone designation.

The intent of the SA designation is to establish an EFU qualifying zone and to allow for uses which are allowed within this zone district and that these uses be done in a manner that will not adversely impact any nearby farm uses. The SA zone will prohibit residential development through subdivisions or partitions and will also prohibit the extension of sanitary sewer to serve any SA designated parcels. Lands with the SSA designation are to be developed in accordance with the city's SA zone requirements and also with all applicable state statutes and rules governing resource zones. As this may limit the full use of the any SA designated lands it may be appropriate to consider bringing these lands into the urban growth boundary. As lands with this designation are inside the city limits yet outside the urban growth boundary consideration shall be given to including these lands as part of any future urban growth expansion that the city may someday endeavor.

AGRICULTURAL GOAL

To preserve and maintain agricultural lands for uses that are consistent with the present and future need for agricultural products, forest and open space.

AGRICULTURAL LANDS POLICIES

1. Preserve lands designated as Special Agriculture from incompatible uses through the implementation of the corresponding SA zone.
2. Maintain agricultural lands in the largest areas as possible to encourage larger scale commercial agricultural production.
3. Limit residential uses on high value lands to those dwellings where past income from the sale of farm products demonstrate that the dwelling will be in conjunction with the farm use. Non-farm dwellings should be limited to existing parcels composed of non-high value soils where the dwelling will be compatible with the surrounding farm area. The approval of non-farm residences shall be based upon findings that the proposed dwelling meets the applicable criteria in OAR 660-033. Approval of a dwelling in the farm designation shall be based on the applicable criteria in OAR 660-033 or OAR 660-006.

4. Divisions of agricultural lands shall be reviewed by the City and comply with the applicable minimum parcel size and the criteria for the intended use of the property.
5. When the creation of a non-farm parcel is warranted, the size of the parcel shall be as small as possible to preserve the maximum amount of farmland in the farm parcel. Requirements may need to be imposed when non-farm parcels are allowed in farm use areas to minimize the potential for conflicts with accepted farm management practices on nearby land. These may include special setbacks, deed restrictions and vegetative screening.
6. Discourage development of non-farm uses on high value farmland unless such uses are allowed by either the SA or EFU zone designation and that they are done in a manner that will not cause adverse impacts on nearby farm uses.
7. Development of a non-farm proposal that will be developed in conjunction with an adjacent use that received land use approval and which will be developed consistent with a master plan shall be given special consideration.
8. Lands that are designated City of Keizer EFU are lands that are within the city limits and while these lands may be currently in agriculture use it is recognized that at some future time they may be rezoned and developed to allow uses consistent with that zone designation.
9. Consideration shall be given to including lands designated SA into the Urban Growth Boundary (UGB) at some future point if the city endeavors to pursue a UGB expansion.

Chapter 2.120 SPECIAL AGRICULTURE (SA)

2.120.010 PURPOSE. The purpose of the Special Agriculture (SA) zone is to provide areas for the practice of commercial agriculture. It is intended to be applied in those areas composed of tracts that are predominantly high value farm soils as defined in OAR 660-033-020(8). It is also applied to small inclusions of tracts composed predominantly of non-high value farm soils to avoid potential conflicts between commercial farming activities and the wider range of non-farm uses otherwise allowed on non-high value farmland. Moreover, to provide the needed protection within cohesive areas it is sometimes necessary to include incidental land unsuitable for farming and some preexisting residential acreage. It is not the intent in the SA zone to create, through land divisions, small scale farms. Subdivisions and planned developments are not consistent with the purpose of this zone and are prohibited.

To minimize impacts from potentially conflicting uses it is necessary to apply to non-farm uses the criteria and standards in OAR 660-033-130 and in some cases more restrictive criteria are applied to ensure that adverse impacts are not created. Non-farm dwellings may create conflicts with accepted agricultural practices. Therefore, the SA zone does not include the lot of record non-farm dwelling provisions in OAR 660-033-130(3). The provisions limiting new non-farm dwellings to existing parcels composed on Class IV-VIII soils [OAR 660033-130(4)] are included because the criteria adequately limit applications to a very few parcels and allow a case by case review to determine whether the proposed dwelling will have adverse impacts. The SA zone is intended to be a farm zone consistent with OAR 660 Division 033 and ORS 215.283.

2.120.020 PERMITTED USES. Within a SA zone no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses:

- A. Farm uses (see farm use definition, KDC 2.120.140.C).
- B. The propagation or harvesting of a forest product.
- C. Buildings, other than dwellings, customarily provided in conjunction with farm use.
- D. Alteration, restoration, or replacement of a lawfully established dwelling with filing of the Declaratory Statement in KDC 2.120.100(C), when the dwelling:
 - 1 Has a "percentage good" rating of 40 percent or more in the current County Assessor's records.
 - 2 In the case of replacement, the replaced dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the occupancy of the replacement dwelling.
 - 3 In the case of replacement of a manufactured dwelling, the unit to be replaced is a manufactured home as defined in ORS 446.003 [manufactured after June 15, 1976].
 - 4. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned SA (Special Agriculture) the applicant shall execute and record in the deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this section regarding replacement of dwellings have changed to allow the siting of another dwelling.
- E. Operations for the exploration for geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and customary production equipment for an individual well adjacent the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732.
- F. Operations for the exploration for minerals as defined by ORS 517.750.
- G. Widening of roads including public road and highway projects as follows:

- 1 Climbing and passing lanes within the street right of way existing as of July 1, 1987.
- 2 Reconstruction or modification of public streets, including the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result.
3. Temporary public street detours that will be abandoned and restored to original condition or use at such time as no longer needed.
4. Minor betterment of existing public street related facilities such as maintenance yards, weigh stations and rest areas, within rights of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public streets.

H. Creation, restoration, or enhancement of wetlands.

- I. Onsite filming and activities accessory to filming, as defined in KDC 2.120.140(A), if the activity would involve no more than 45 days on any site within a one year period.

2.120.030 DWELLINGS PERMITTED SUBJECT TO STANDARDS. The following dwellings may be established in the SA zone with filing of the declaratory statement in KDC 2.120.100(C), subject to approval by the Director, based on satisfaction of the standards and criteria listed for each type of dwelling.

- A. Primary Farm Dwellings. A single family dwelling customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when:
 1. It is located on high value farmland, as defined in KDC 2.120.140(D) and satisfies following standards:
 - a. There is no other dwelling on the subject farm operation on lands zoned SA other than seasonal farm worker housing. The term "farm operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use;
 - b. The subject tract produced in the last two years or three of the last five years at least \$80, 000 in gross annual income from the sale of farm products. In determining gross annual income from the sale of farm products, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented shall be counted;
 - c. The subject tract is currently employed for the farm use that produced the income required in subsection (A)(1)(b) of this section;
 - d. The proposed dwelling will be occupied by a person or persons who produced the commodities which generated the income in subsection (A)(1)(b) of this section; or
 2. It is not located on high value farmland, as defined in KDC 2.120.140(D) and satisfies the following standards:
 - a. There is no other dwelling on the subject farm operation on lands zoned SA other than seasonal farm worker housing. The term "farm operation" means all lots or parcels of land in the same ownership that are used by the farm operator for farm use;
 - b. The subject tract produced at least \$40,000 in gross annual income from the sale of the farm products in the last two or three of the last five years. In determining gross income, the cost

- of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented shall be counted;
- c. The subject tract is currently employed for the farm use that produced the income required in subsection (A)(2)(b) of this subsection;
 - d. The dwelling will be occupied by a person or persons who produced the commodities which generated the income required in subsection (A)(2)(b) of this subsection; or
3. It is not located on high value farmland, as defined in KDC 2.120.140(D) and satisfies the following standards:
- a. There is no other dwelling on the subject farm operation on lands zoned SA other than seasonal farm worker housing. The term "farm operation" means all lots or parcels of land in the same ownership that are a used by the farm operator for farm use;
 - b. The parcel on which the dwelling will be located is at least 160 acres;
 - c. The subject tract is currently employed for farm use, as defined in ORS 215.203;
 - d. The dwelling will be occupied by a person or person who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale; or
4. It is in conjunction with a commercial dairy farm as defined in this chapter and if:
- a. The subject tract will be employed as a commercial dairy as defined; and
 - b. The dwelling is sited on the same lot or parcel as the buildings; and
 - c. Except as permitted by ORS 215.283(1)(p) (1999 Edition), (Seasonal Farm Worker Housing), there is no other dwelling on the subject tract; and
 - d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm activities necessary to the operation of the commercial dairy farm; and
 - e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 - f. The Oregon Department of Agriculture has approved the following:
 - i. A permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - ii. A producer license for the sale of dairy products under ORS 621.072.
5. The applicant had previously operated a commercial farm use and if:
- a. Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years as required by KDC 2.120.030(A)(1) or (2) of this section, whichever is applicable.
 - b. The subject lot or parcel on which the dwelling will be located is:

- i. Currently employed for the farm use, as defined in this title, that produced in the last two years or three of the last five years the gross farm income required by KDC 2.120.030(A)(1) or (2) of this section, whichever is applicable, and
- ii. At least the size of the applicable minimum lot size in this chapter; and
 - (A) Except as permitted in ORS 215.283(1)(p)(1999 Edition) (Seasonal Farm Worker Housing) there is no other dwelling on the subject tract; and
 - (B) The dwelling will be occupied by a person or persons who produced the commodities, that grossed the income in subsection (A)(2)(b) of this section;
 - (C) In determining the gross income required by subsections (A)(5)(a) and (b) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract, and only gross income from land owned not leased or rented, shall be counted.

6. All of the property in a tract used for the purpose of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:
It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling. These covenants, conditions, and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006-0027.

- B. Secondary Farm Dwellings. Secondary (accessory) dwellings customarily provided in conjunction with farm use will be considered customarily provided in conjunction with farm use when:
1. The primary dwelling and the proposed dwelling will each be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm uses, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator.
 2. There is no other dwelling on lands in the SA zone owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and could reasonably be used as an additional farm dwelling.
 3. The proposed dwelling will be located:
 - a. On the same lot or parcel as the primary farm dwelling; or
 - b. On the same contiguous ownership as the primary dwelling, and the lot or parcel on which the proposed dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the same ownership; or
 - c. On a lot or parcel on which the primary farm dwelling is not located, when the secondary farm dwelling is limited to only a manufactured dwelling with a deed restriction filed with the county clerk. The deed restriction shall require the additional dwelling to be removed when the lot or parcel is conveyed to another party. Occupancy of the additional farm dwelling shall continually comply with subsection (B)(1) of this section; or

- d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multiunit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The city shall require all accessory farm dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in subsection (B)(4) below, whichever is applicable.
4. The primary farm dwelling to which the proposed dwelling would be accessory satisfies the following criteria:
- a. On land not identified as high value farmland, the primary farm dwelling is located on land that is currently employed for farm use and produced at least \$40,000 gross annual income from the sale of farm products in the last two or three of the last five years; or
 - b. On land identified as high value farmland, the primary farm dwelling is located on land that is currently employed for farm use and produced at least \$80,000 in gross annual income from the sale of farm products in the last two or three of the last five years; or
 - c. The primary dwelling is located on a commercial dairy farm as defined in this chapter; and
 - i. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
 - ii. The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and
 - iii. Producer License for the sale of dairy products under ORS 621.072.
 - d. In determining the gross income in subsections (B)(4)(a) and (b) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
5. The dwelling will be consistent with the fish and wildlife habitat policies of the Comprehensive Plan if located in a designated big game habitat area.
6. Secondary farm dwellings shall be a manufactured home, or other type of attached multiunit residential structure allowed by the applicable state building code, and a deed restriction filed with the county clerk requiring removal of the manufactured home or removal, demolition or conversion to a nonresidential use if other residential structures are used, when the occupancy or use no longer complies with the criteria or standards under which the manufactured home was originally approved.
- C. A secondary single family dwelling on real property used for farm use subject to the following standards:
1. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator’s spouse, which means grandparent, step grandparent, grandchild, parent, stepparent, child, stepchild, brother,

sister, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use.

2. The farm operator shall continue to play the predominant role in management and farm use of the farm. 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.
3. A deed restriction is filed with the county clerk requiring removal of the dwelling when the occupancy or use no longer complies with the criteria or standards under which the dwelling was originally approved.
4. For purposes of this subsection, a commercial farm operation is one that meets the income requirements for a primary farm dwelling identified in subsection (A)(1)(b) of this section, and the parcel where the dwelling is proposed contains a minimum of 80 acres.
5. All of the property in a tract used for the purposes of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions, and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006-0027.

D. Dwelling Alteration and Replacement. Alteration, restoration, or replacement of a lawfully established dwelling with filing of the declaratory statement in KDC 21.120.100(C), other than as permitted in KDC 2.120.020(D), when the dwelling:

- 1 Has intact exterior walls and roof structure;
- 2 Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- 3 Has interior wiring for interior lights;
- 4 Has a heating system; and
- 5 In the case of replacement, the replaced dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the occupancy of the replacement dwelling.
- 6 For the case in which the applicant has requested a deferred replacement permit, the dwelling to be replaced shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of consideration. A deferred replacement permit may not be transferred, by sale or otherwise, except by the

applicant to the spouse or a child of the applicant.

- 7 If the dwelling to be replaced is located on a portion of the lot or parcel not zoned SA the applicant shall execute and record in the deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling.

2.120.040 USES PERMITTED SUBJECT TO STANDARDS. The following uses may be permitted in the SA zone subject to approval of the request by the planning director, based on satisfaction of the standards and criteria specified for each use.

A. Farm Stand. Farm stand subject to the following standards:

1. Structures shall be designed used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
 - a. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another produce but not prepared food items.
 - b. As used in this section, "local agricultural area" is limited to the State of Oregon.
2. The sale of incidental retail items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand is permitted provided the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand.
3. Farm stand shall not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

B. Winery. Winery, as defined in KDC 2.120.140(G). The winery shall include only the sale of:

- 1 Wines produced in conjunction with the winery.
- 2 Items directly related to wine, the sales of which are incidental to the sale of wine onsite. Such items include those served by a limited service restaurant, as defined in ORS 624.010.

C. Religious Organization and Cemeteries. Religious organization and cemeteries in conjunction with religious organizations subject to the following:

- 1 New religious organizations may not be established on high value farmland. Existing religious organizations and cemeteries in conjunction with religious organizations may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.
- 2 No new religious organizations, and cemeteries in conjunction with religious organizations, may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004.

- D. **Public and Private Schools.** Public or private schools, including all building essential to the operation of a school, subject to the following:
- 1 New schools may not be established on high value farmland. Existing schools may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.
 - 2 No new school may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004.
- E. **Filming Activities.** Onsite filming and activities accessory to filming if the activity:
- 1 Involves filming or activities accessory to filming for more than 45 days; or
 - 2 Involves erected of sets that would remain in place longer than any 45 day period.
 - 3 The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- F. **Facilities for Processing Farm Crops.** A facility for processing of farm crops, or the production of biofuel as defined in ORS 315.141, subject to the following:
- 1 The farm on which the processing facility is located must provide at least one quarter of the farm crops processed at the facility.
 - 2 The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use.
 - 3 The processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits siting of the processing facility.
 - 4 Division of a lot or parcel that separates a processing facility from the farm operation on which is it is located shall not be approved.
- G. **Model Aircraft.** A site for the takeoff and landing of model aircraft, including such building or facilities as may reasonably be necessary subject to the following:
- 1 Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.
 - 2 The site shall not include an aggregate surface or hard area surface unless the surface pre-existed the use.
 - 3 As used in this section "model aircraft" means a small scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.
- H. **Wildlife Habitat Conservation.** A wildlife habitat conservation and management plan on a lot or parcel subject to the following:
- 1 The lot or parcel contains an existing legally established dwelling; or
 - 2 Approval for the dwelling is obtained under provisions contained in KDC 2.120.030(A), (D) or 2.120.050(A).

3 The dwelling is situated on a legally created lot or parcel existing on November 4, 1993.

4 The lot or parcel is not predominantly composed of soils rated Class I or II, when not irrigated, or rated prime or unique by the Natural Resource Conservation Service, or any combination of such soils.

I. **Other Uses.** Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A facility is "necessary" if it must be situated in the SA zoning order for the service to be provided. An applicant must demonstrate that reasonable alternatives have been considered and that the facility must be sited in a SA zone due to one or more of the following factors as found in OAR 660-33-130(16):

1. Technical and engineering feasibility;
2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for Special Agriculture in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
3. Lack of available urban and non-resource lands;
4. Availability of existing right of way;
5. Public health and safety; and
6. Other requirements of state and federal agencies.
 - a. Costs associated with any of the factors listed above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
 - b. The owner of a utility facility approved under this section shall be responsible for restoring, to its former condition as nearly as possible, any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing upon a contractor the responsibility for restoration.
 - c. The applicant shall address the requirements of KDC 2.120.060(A).
 - d. In addition to the provisions above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
 - e. The provisions of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

J. **Parking of not more than seven log trucks on a tract when the use will not:**

1 Force a significantly change in accepted farm or forest practices on surrounding lands devoted to

farm or forest use.

- 2 Significantly increase the cost of accepted farm or forest practices on surrounding land devoted to farm or forest use.
- K. Fire service facilities providing rural fire protection services.
- L. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.
- M. Utility facility service lines. Utility facility service lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right of way; land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.
- N. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251 the land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this division.

2.120.050 CONDITIONAL USES. The following uses may be permitted in a SA zone subject to obtaining a conditional use permit and satisfying the criteria in KDC 2.120.060(A), and any additional criteria, requirements, and standards specified for the use:

- A. Single family dwelling or manufactured home not in conjunction with farm use, subject to the criteria and standards in KDC 2.120.060(B), 2.120.070 and 2.120.100.
- B. Home occupations subject to the criteria in KDC 2.120.060(C).
- C. Public parks, open spaces, and playgrounds including only those uses specified under OAR 660-034-035 or OAR 660-034-0040, whichever is applicable, and consistent with ORS 195.120 and with filing of the declaratory statement in KDC 2.120.100(C).
- D. A replacement dwelling to be used in conjunction with farm use or non-farm use and with filing of the declaratory statement in KDC 2.120.100(C).

2.120.060 CONDITIONAL USE REVIEW CRITERIA. In addition to the criteria in Section 3.103 KDC the uses identified in KDC 2.120.050 shall satisfy criteria in the applicable subsections below.

- A. The following criteria apply to all conditional uses in the SA zone:
 - 1 The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.
 - 2 Adequate fire protection and other services are, or will be, available when the use is established.
 - 3 The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.
 - 4 Any noise associated with the use will not have a significant adverse impact on nearby land uses.
 - 5 The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the

Comprehensive Plan inventory of significant mineral and aggregate sites.

- B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwelling requests:
1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in KDC 2.120.130.
 2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in any way that enables the lot or parcel to meet the criteria for non-farm dwelling.
 3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings on other lots or parcel in the area similarly situated shall be considered. To address this standard, the following information shall be provided:
 - a. Identify a study area for the cumulative impact analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 areas, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
 - b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under KDC 2.120.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;
 - c. Determine whether approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire waste rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- C. Home Occupations. Home occupations are subject to the criteria specified in Section 2.407 KDC.
- D. Public Parks. Public parks, playgrounds, shall meet the following criteria:
1. Shall be developed in accordance with a master plan.
 2. Shall not be connected to the city's sanitary sewer service. However, a connection to the city's public water system may be allowed.

3. Shall be developed in conjunction with an adjacent park use.
4. Shall provide connections to the local neighborhood where they are determined to be appropriate so as to encourage pedestrian and bicycle access to the park.
5. Shall provide for adequate screening and buffering to adjacent residential uses to mitigate any identified impacts associated from the development such as through the use of berms or other light damping structures.
6. Shall provide appropriate directional signage to mitigate traffic.

2.120.070 NONFARM DWELLING REQUIREMENTS. The following shall apply to non-farm dwellings.

- A. Special Setbacks:
1. Dwellings. A special dwelling setback of 200 feet from any abutting parcel in farm use or timber production is required.
 2. Accessory buildings. A special setback of 100 feet is required for buildings accessory to a dwelling from any abutting parcel in farm use or timber production.
 3. Adjustments. The special setbacks in subsection (A)(1) and (2) of this section may be reduced if it is determined that a lesser setback will prevent activities associated with the dwelling or accessory building from seriously interfering with farming practices.
 4. The special setback in subsection (A)(1) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS 195.300 to 195.336 nor should the special setback in subsection (A)(1) of this section prohibit a claimant's application for home sites under ORS 195.300 to 195.336.
- B. Fire Hazard Reduction: As a condition of approval for any non-farm dwelling located closer than 200 feet to timber, the owner shall be required to maintain a fuel free break area in accordance with Oregon Department of Forestry and or State Fire Marshall requirements.
- C. Prior to issuance of any residential building permit for an approved non-farm dwelling under KDC 2.120.050(A), evidence shall be provided that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that the additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.113 or ORS 308A.724 or ORS 321.359(1)(b), ORS 321.842(1)(A) and 321.716. A parcel that has been disqualified under this section shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

2.120.080 EXISTING DWELLINGS AND OTHER STRUCTURES. For the purpose of regulating dwellings and structures at the time the SA zone is applied, the following regulations shall apply.

- A. Legally established dwellings existing when the SA zone is applied shall be considered in conformance with the SA zone and may be repaired, altered, enlarged or replaced pursuant to KDC 2.120.020(D) or 2.120.030(D).
- B. Legally established structures accessory to a dwelling, farm or forest use, or other authorized use, existing when the SA zone is applied shall be considered in conformance with the SA zone and may be repaired, altered, or enlarged unless conditions applied to the use require that changes to the structure be reviewed.
- C. Notwithstanding KDC 2.120.070, if a legally established non-resource use exists in the SA zone and is unintentionally destroyed by fire, other casualty or natural disaster, the use may be reestablished to its previous nature, but the reestablishment shall satisfy other building codes, ordinance and permit

requirements. Efforts to establish the use shall commence within one year of destruction of the use or structure.

2.120.090 MINIMUM PARCEL SIZE, DIVISIONS OF LAND, AND PROPERTY LINE ADJUSTMENTS.

The following apply when property line adjustments and partitioning of land within a SA zone are proposed:

A. Minimum Parcel Size for Newly Created Parcels:

1. Farm Parcels: The minimal parcel size for new farm parcels shall be calculated as follows:
 - a. All parcels wholly or in part within 500 feet of the subject parcel shall be identified.
 - b. The average (mean) size of all parcels larger than 40 acres identified in subsection (A)(1)(a) of this section shall be determined.
 - c. The acreage size calculated in subsection (A)(1)(b) of this subsection, rounded to the nearest 10 acres, is the minimum parcel size unless such parcel size is less than 80 acres, in which case the minimum parcel size is 80 acres.
2. A new non-farm parcel created pursuant to KDC 2.120.090(B) shall only be as large as necessary to accommodate the use and any buffer needed to ensure compatibility with adjacent farm uses.

B. Requirements for Creation of New Non-farm Parcels:

1. A new non-farm parcel may be created for uses listed in KDC 2.120.040(C) and 2.120.050, except the residential uses in KDC 2.120.050(A) and (B).
2. The criteria in KDC 2.120.060 applicable to the use shall apply to the parcel.
3. A non-farm parcel shall not be approved before the non-farm use is approved.
4. A division of land for non-farm use shall not be approved unless any additional tax imposed for the change has been paid, or payment of any tax imposed is made a condition of approval.
5. If the land division is for the purpose of allowing a provider of public parks or open space, or a not for profit land conservation organization, to purchase at least one of the resulting parcels subject to the following criteria:
 - a. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - b. A parcel created pursuant to this subsection that does not contain a dwelling:
 - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - ii. May not be considered in approving or denying an application for any other dwelling;
 - iii. May not be considered in approving a redesignation or rezoning of forestlands or farmlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - c. May not be smaller than 25 acres unless the purpose of the land division is:
 - i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - ii. To allow a transaction in which at least one party is a public park or open space provider, or a not for profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

C. Property Line Adjustments:

1. When one or more lots or parcels subject to a proposed property line adjustment are larger than the minimum parcel size pursuant to KDC 2.120.090(A)(1), the same number of lots or parcels shall be as large or larger than the minimum parcel size after the adjustment. When all lots or parcels subject to the proposed adjustment are as large or larger than the minimum parcel size, no lot or parcel shall be reduced below the applicable minimum parcel size. If all lots or parcels are smaller than the minimum parcel size before the property line adjustment, the minimum parcel size pursuant to this section does not apply to those lots or parcels.
2. If the minimum parcel size in KDC 2.120.090(A)(1) is larger than 80 acres, and a lot or parcel subject to property line adjustment is smaller than the minimum parcel size but larger than 80 acres, the lot or parcel shall not be reduced in size through property line adjustment to less than 80 acres.
3. Any property line adjustment shall result in a configuration of lots or parcels that are at least as suitable for commercial agriculture as were the parcels prior to the adjustment.
4. A property line adjustment may not be used to:
 - a. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - b. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling.

2.120.100 DEVELOPMENT REQUIREMENTS. The following standards apply to development in a SA zone:

A. Maximum Height:

- 1 Dwellings: 35 feet.
- 2 Farm related structures on farm parcels: none.
- 3 Nonresidential and non-farm structures: 35 feet unless it is in conjunction with conditional uses allowed in KDC 2.120.050, and a greater height is approved as part of the conditional use permit.

B. Minimum Setbacks: Except as required in KDC 2.120.070(A), the following setback requirements shall be implemented for all new structures other than farm exempt buildings, signs and fences:

- 1 Rear Yard. A minimum of 20 feet.
- 2 Side Yard. A minimum of 10 feet.
- 3 Front Yard. A minimum of 20 feet.

C. Declaratory Statement. For all dwellings, and other uses deemed appropriate, the property owner shall be required to sign and allow of the entering the following declaratory statement into the chain of the parcel(s):

“The property herein described is situated in or near a farm or forest zone or area where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, minimize conflicts with, farm and forest use. Specifically, residents, property owners and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce

noise, dust, smoke and other impacts. The grantees, including their heirs, assigns and lessees do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling, structure or use in this area, and I/We acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices I/We will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937”.

2.120.120 PERMIT EXPIRATION DATES.

Notwithstanding other provisions of this ordinance, a discretionary decision, except for a land division, approving a proposed development in the SA zone expires two years from the date of the final decision if the development action is not initiated in that period. The Director may grant an extension period of up to 12 months if an applicant makes a written request for an extension of the development approval period; the request is submitted to the city prior to expiration of the approval period; the applicant states the reasons that prevented the applicant from beginning or continuing development within the approval period and the city determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. Approval of an extension granted under this section is not land use decision described in ORS 197.015 and is not subject to appeal as a land use decision. Additional one year extensions may be authorized where applicable criteria have not changed.

2.120.130 CONSIDERATION OF SOIL CLASSIFICATION CHANGES FOR NONFARM

DWELLINGS. For purposes of approving an application for a non-farm dwelling the soil class, soil rating, or other soil designation of a specific lot or parcel may be changed if the property owner submits a report from a consulting soils scientist whose credentials may have been certified as acceptable to the State Department of Agriculture that the soil class, soil rating, or other soil designation should be changed, and the report satisfies the most recent requirements in the Oregon Administrative Rules for acceptable soils reports.

2.120.140 DEFINITION OF TERMS USED IN THIS CHAPTER. The following terms apply to this chapter and have no relevance to the same term used in other chapters of this ordinance unless specifically stated.

- A. “Farm Use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. “Farm use” does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3) of this section or land described in ORS 321.267 (3) or 321.824(3).

Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land means that those products or byproducts are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

- B. “High value farmland” means a tract composed predominantly of:

- 1 Soils rated Class I or II, prime, or unique, either irrigated or not irrigated;
- 2 The following Class III soils: Chehalem (CeC), Concord (Co), Hult (HuD), Jory (JoD), Nekia (NeC, NeD, NkC), Salkum (SkD), Silverton (SuD), and Woodburn (WuD);
- 3 The following Class IV soils: Bashaw (Ba), Camas (Ca), Courtney (Cu), Dayton (Da), and Jory (JoE).

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