



Oregon

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Materials for Large Scale Development Discussion

March 19, 2015

- A. OAR 660-033-0120 Table - Uses allowed under Exclusive Farm Use Zoning.**
- B. BLM Degradation Types.**
- C. Table Comparing Uses allowed under Exclusive Farm Use Zoning and BLM Degradation Types.**
- D. Possible Approaches for Developing Definition of Large Scale Development.**

LAND CONSERVATION AND DEVELOPMENT

DEPARTMENT OREGON ADMINISTRATIVE RULES

CHAPTER 660, DIVISION 033, RULE 0120, TABLE

**March
2015**

Uses Authorized on Agricultural Lands

OAR 660-033-0120 The specific development and uses listed in the following table are allowed in the areas that qualify for the designation pursuant to this division. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this division. The abbreviations used within the table shall have the following meanings:

A Use is allowed. Authorization of some uses may require notice and the opportunity for a hearing because the authorization qualifies as a land use decision pursuant to ORS chapter 197. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns only to the extent authorized by law.

R Use may be allowed, after required review. The use requires notice and the opportunity for a hearing. Minimum standards for uses in the table that include a numerical reference are specified in OAR 660-033-0130. Counties may prescribe additional limitations and requirements to meet local concerns.

* Use not allowed.

Numerical references for specific uses shown on the table refer to the corresponding section of OAR 660-033-0130. Where no numerical reference is noted for a use on the table, this rule does not establish criteria for the use.

HV	All	
<u>Farmland</u>	<u>Other</u>	<u>USES</u>

Farm/Forest Resource

A	A	Farm use as defined in ORS 215.203.
A	A	Other buildings customarily provided in conjunction with farm use.
A	A	Propagation or harvesting of a forest product.
R6	R6	A facility for the primary processing of forest products.
R28	R28	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 or an establishment for the slaughter or processing of poultry pursuant to ORS 603.038.

Natural Resource

A	A	Creation of, restoration of, or enhancement of wetlands.
R5,27	R5,27	The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.

Residential

A1,30	A1,30	Dwelling customarily provided in conjunction with farm use.
R9,30	R9,30	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, step-parent, child, brother, sister, sibling, step-sibling, 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.

- A24,30 A24,30 Accessory Farm Dwellings for year-round and seasonal farm workers.
- A3,30 A3,30 One single-family dwelling on a lawfully created lot or parcel.
- R5,10 R5,10, 30 One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building 30 in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
- R4,30 R4,30 Single-family residential dwelling, not provided in conjunction with farm use.
- R5,30 R5,30 Residential home or facility as defined in ORS 197.660, in existing dwellings.
- R5, 30 R5,30 Room and board arrangements for a maximum of five unrelated persons in existing residences.
- R12,30 R12,30 Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480.
- A8,30 A8,30 Alteration, restoration, or replacement of a lawfully established dwelling.

Commercial Uses

- R5 R5 Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or ORS 215.213(1)(u) and 215.283(1)(r).
- R5,14 R5,14 Home occupations as provided in ORS 215.448.
- A39 A39 Dog training classes or testing trials.
- R5 R5 Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.213(1)(z) or 215.283(1)(x).
- R5,35 R5,35 An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possess a wholesaler’s permit to sell or provide fireworks.
- *18(a) R5 Destination resort which is approved consistent with the requirements of Goal 8.
- A A A winery as described in ORS 215.452 or 215.453, and 215.237.
- R5 R5 A restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.
- R or R or Agri-tourism and other commercial events or activities that are related to and supportive of agriculture, as described R5 R5 in ORS 215.213(11) or 215.283(4).
- A23 A23 Farm stands.
- R5 R5 A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
- R R Guest ranch in eastern Oregon as provided in Chapter 84 Oregon Laws 2010.
- A A Log truck parking as provided in ORS 215.311.

Mineral, Aggregate, Oil, and Gas Uses

- A A Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- A A Operations for the exploration for minerals as defined by ORS 517.750.
- R5 R5 Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule.

- R5 R5 Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
- R5,15 R5,15 Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.
- R5 R5 Processing of other mineral resources and other subsurface resources.
- Transportation**
- R5,7 R5,7 Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.
- A A Climbing and passing lanes within the right of way existing as of July 1, 1987.
- R5 R5 Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- A A Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- R5 R5 Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- A A Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- A A Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- R5 R5 Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- R13 R13 Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule.
- R R Transportation improvements on rural lands allowed by OAR 660-012-0065.
- Utility/Solid Waste Disposal Facilities**
- R, 16(a) or (b) R, 16(a) or (b) Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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.
- R5 R5 Transmission towers over 200 feet in height.
- A A Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
- A32 A32 Utility facility service lines.
- R5, 17 R5,22 Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.
- R5, 37 R5,37 Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.
- R5, 38 R5,38 Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.

- *18(a) R5 A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
- 18(a), A or R5,29(b) Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.

Parks/Public/Quasi-Public

- 18 R5,40 Youth camps in Eastern Oregon on land that is composed predominantly of class VI, VII or VIII soils.
- 2,*18(a) or R2, 18(b-c) R2,5 Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.
- 2,*18(a) R2 Churches and cemeteries in conjunction with churches consistent with ORS 215.441.
- 2,*18(a) R2,5,19 Private parks, playgrounds, hunting and fishing preserves, and campgrounds.
- R2,5,31 R2,5,31 Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.
- A A Fire service facilities providing rural fire protection services.
- R2,5,36 R2,5,36 Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
- R2,*18(a) R2,5, 20 Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.
- R2,5,21 R2,5,21 Living history museum
- R2 R2 Firearms training facility as provided in ORS 197.770.
- R2, 25 R2, 25 Armed forces reserve center as provided for in ORS 215.213(1)(s).
- A A Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.
- R5 R5 Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.
- A26 A26 A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.
- R5 R5 Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- R5 R5 Operations for the extraction and bottling of water.
- A11 A11 Land application of reclaimed water, agricultural or industrial process water or biosolids.
- R5 R5 A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135 as provided for in ORS 215.283(1).

Outdoor Gatherings

- A33 A33 An outdoor mass gathering or other gathering described in ORS 197.015(10)(d).
- R34 R34 Any outdoor gathering subject to review of a county planning commission under ORS 433.763.

(The numbers in the table above refer to the section numbers in OAR 660-033-0130)

BLM Degradation Type	Degradation Subcategory	Data Source
Energy (oil & gas)	Wells	NA
	Power Plants	NA
Energy (coal)	Mines	NA
	Power Plants	NA
Energy (wind)	Wind Turbines	Federal Aviation Administration dataset buffered by BLM
	Power Plants	Ventyx
Energy (solar)	Fields/Power Plants	Ventyx
Energy (geothermal)	Wells	NA
	Power Plants	Ventyx
Mining	Locatable Developments	Institute of Natural Resources
	Surface Streets	NA
Infrastructure (roads)	Major Roads	NA
	Interstate Highways	Bureau of Land Management
Infrastructure (railroads)	Active Lines	Federal Railroad Administration dataset buffered by BLM
	1-199kV Lines	Platts 2013
Infrastructure (power lines)	200-399kV Lines	Platts 2013
	400-699kV Lines	Platts 2013
	700+kV Lines	Platts 2013
	Misc. electric lines of unknown voltage	Oregon Department of Forestry
	Towers	Federal Communications Commission dataset buffered by BLM
Infrastructure (communication)	Other Vertical Structures	Federal Aviation Administration dataset buffered by BLM

Uses Allowed in Oregon's Exclusive Farm Use Zones. Based on ORS 215.283(1) & (2) and OAR 660-033-0120. March 18, 2015

Outright Uses – Do Not Require Land Use Approval and Presumed Not to be Affected by Goal 5 Rule.	Uses Requiring Land Use Approval – Included in BLM Degradation Categories & Presumed to be “Large Scale Development.”	Uses Requiring Land Use Approval – Not Included in BLM Degradation Categories.
<p>Farm use as defined in ORS 215.203.</p> <p>Other buildings customarily provided in conjunction with farm use.</p> <p>Propagation or harvesting of a forest product.</p> <p>A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 or an establishment for the slaughter or processing of poultry pursuant to ORS 603.038.</p> <p>Creation of, restoration of, or enhancement of wetlands.</p> <p>Log truck parking as provided in ORS 215.311.</p> <p>A winery as described in ORS 215.452 or 215.453, and 215.237.</p> <p>Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.</p> <p>Operations for the exploration for minerals as defined by ORS 517.750.</p> <p>Climbing and passing lanes within the right of way existing as of July 1, 1987.</p> <p>Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.</p> <p>Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.</p> <p>Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.</p>	<p>Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule.</p> <p>Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.</p> <p>Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.</p> <p>Processing of other mineral resources and other subsurface resources.</p> <p>Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.</p> <p>Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.</p> <p>Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.</p> <p>Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.</p> <p>Roads, highways and other transportation facilities, and improvements not otherwise allowed under this rule.</p> <p>Transportation improvements on rural lands allowed by OAR 660-012-0065.</p> <p>Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and 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.</p> <p>Transmission towers over 200 feet in height.</p>	<p>A facility for the primary processing of forest products. Must be portable or temporary and can be approved for a one year period, which may be extended. May only process timber from the subject tract.</p> <p>The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.</p> <p>Farm Related Dwellings.</p> <p>Non-Farm Related Dwellings.</p> <p>Residential home or facility as defined in ORS 197.660, in existing dwellings.</p> <p>Room and board arrangements for a maximum of five unrelated persons in existing residences.</p> <p>Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.</p> <p>Churches and cemeteries in conjunction with churches consistent with ORS 215.441.</p> <p>Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or ORS 215.213(1)(u) and 215.283(1)(r).</p> <p>Home occupations as provided in ORS 215.448.</p> <p>Dog training classes or testing trials.</p> <p>Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.213(1)(z) or 215.283(1)(x).</p> <p>An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possess a wholesaler's permit to sell or provide fireworks.</p> <p>Destination resort which is approved consistent with the requirements of Goal 8.</p>

Uses Allowed in Oregon’s Exclusive Farm Use Zones. Based on ORS 215.283(1) & (2) and OAR 660-033-0120. March 18, 2015

<p>Outright Uses – Do Not Require Land Use Approval and Presumed Not to be Affected by Goal 5 Rule.</p>	<p>Uses Requiring Land Use Approval – Included in BLM Degradation Categories & Presumed to be “Large Scale Development”</p>	<p>Uses Requiring Land Use Approval – Not Included in BLM Degradation Categories.</p>
<p>Utility facility service lines.</p> <p>Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.</p> <p>Fire service facilities providing rural fire protection services.</p> <p>Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.</p> <p>Land application of reclaimed water, agricultural or industrial process water or biosolids.</p> <p>An outdoor mass gathering or other gathering described in ORS 197.015(10)(d).</p>	<p>Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.</p> <p>Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.</p> <p>Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale.</p>	<p>A restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.</p> <p>Agri-tourism and other commercial events or activities that are related to and supportive of agriculture, as described in ORS 215.213(11) or 215.283(4).</p> <p>Farm stands.</p> <p>A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.</p> <p>Guest ranch in eastern Oregon as provided in Chapter 84 Oregon Laws 2010</p> <p>Youth camps in Eastern Oregon on land that is composed predominantly of class VI, VII or VIII soils.</p> <p>A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.</p> <p>Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.</p> <p>Private parks, playgrounds, hunting and fishing preserves, and campgrounds.</p> <p>Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.</p> <p>Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.</p> <p>Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.</p>

Uses Allowed in Oregon’s Exclusive Farm Use Zones. Based on ORS 215.283(1) & (2) and OAR 660-033-0120. March 18, 2015

Outright Uses – Do Not Require Land Use Approval and Presumed Not to be Affected by Goal 5 Rule.	Uses Requiring Land Use Approval – Included in BLM Degradation Categories & Presumed to be “Large Scale Development”	Uses Requiring Land Use Approval – Not Included in BLM Degradation Categories.
		<p>Living history museum.</p> <p>Firearms training facility as provided in ORS 197.770.</p> <p>Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.</p> <p>A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.</p> <p>Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.</p> <p>Operations for the extraction and bottling of water.</p> <p>A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135 as provided for in ORS 215.283(1).</p> <p>Any outdoor gathering subject to review of a county planning commission under ORS 433.763.</p>

Large Scale Development Definition – Possible Approaches

1. General.

Example:

“Large Scale Development” activities subject to a land use decision as defined at ORS 197.015(10) that have the potential to substantially reduce, remove, displace or fragment significant sage-grouse habitat.

Pro’s: Very, very simple. Should capture everything that is considered a land use threat.

Con’s: Would require an enormous amount of discretion. Could lead to litigation and inconsistent application across the region.

2. Specific.

Example:

“Large Scale Development” means all manner of commercial scale energy development, infrastructure projects, mining as defined in ORS 517.750 and processing of mineral or aggregate material as defined in ORS 517.750(10).

Pro’s: Very, very simple. Clear and objective. Reflects BLM approach.

Con’s: May not capture everything that could constitute a land use threat.

3. Form Based.

Example:

“Large Scale Development” means activities subject to a land use decision as defined at ORS 197.015(10) that have one or more of the following characteristics; impact ___ acres, exceed a height of ___ feet or generate ___ average daily trips.

Pro’s: Simple. Clear and objective. Designed to capture everything that could constitute a land use threat. Could serve as a de facto minimum standard for all possible uses.

Con’s: Will take some consideration to figuring out the right metrics.