

Amended LCDC Rules

OAR 660, Division 33

Housekeeping Changes to EFU

On January 27, 2012, the Land Conservation and Development Commission (LCDC) amended Administrative Rules in OAR 660, division 33, to make housekeeping changes. Division 33 implements ORS chapter 215 regarding planning, zoning and agricultural land use. The 2011 legislature amended these provisions in SB 960, HB 2154, HB 3408 and HB 3280. LCDC's amendments align the rules with the newly-amended statute. Several additional minor clarifications or word usage changes were made. The amended rules took effect on February 14, 2012.

- OAR 660-033-0030 and -0045.** The amendments to OAR 660-033-0030 delete the previous section (9) under "Identifying Agricultural Land" and move the unchanged content to a new rule at 660-033-0045 entitled "Soils Assessments by Professional Soils Classifiers." This move retains the overall framework for the new soils assessment process at the existing location, while creating a separate, cross-referenced location for the detailed soils assessment process itself.
- OAR 660-033-0100.** Previous sections (3) through (6) were renumbered to be subsections of section (2) as they apply only to this section ("go-below").
- OAR 660-033-0120 Table 1.** Table 1 has been revised for consistency with HB 3408, HB 3280 and SB 960 to add three new permitted uses in EFU zones, along with references to applicable review criteria. These uses include, respectively, irrigation reservoirs, restaurants and events in conjunction with wineries, and agri-tourism events. Otherwise, no rules were adopted for these uses. Fire service facilities was moved from the "Utility/Solid Waste Disposal Facilities" section of the table to the "Parks/Public/Quasi-Public" section. Minor clarifications were made to a few other uses in the table.
- OAR 660-033-0130.** OAR 660-033-0130(24)(a)(B)(iv) was amended for consistency with HB 2154 by clarifying that a new and broader definition of "farmworker housing" applicable to the Department of Housing and Community Services for tax credit purposes, is not the same definition to be used for land use purposes on farmland. The amended subparagraph cross-references and requires the use of the definition of farmworker housing historically used by the department and now incorporated into ORS 215.278. The subparagraph has also been revised to allow multi-unit farmworker housing to be located on the primary farm parcel as it is already allowed on other parcels. The previous omission of this siting option was inadvertent.
- OAR 660-033-0130(24) and -0135.** These rules have been revised for consistency with HB 3290 to modify the farm income standard to allow the averaging of three years' farm income, as applied to the approval of farm dwellings and accessory farm dwellings. The changes also include a clarification that the farm operator must earn the income.
- OAR 660-033-0130(29).** This rule has been revised to allow composting that is auxiliary to farm use on non-high value farmland without going through a conditional use process, just as it is currently allowed on high-value farmland. The previous omission of this option was inadvertent.