3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A "residential facility" as defined in ORS 197.660(1) is not a use that is authorized in the exclusive farm use zone under ORS 215.283(2)(o). *KanDu Ranch, LLC v. Jackson County*, 72 Or LUBA 401 (2015).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A Table in OAR 660-033-0120 is not inconsistent with ORS 215.283(2)(o) where the text of the Table, read in context with the definition of "residential home" at ORS 197.660 that it references, authorizes only a "residential home" in the exclusive farm use zone and does not purport to authorize a "residential facility" in the EFU zone, which would be inconsistent with ORS 215.283(2)(o). *KanDu Ranch, LLC v. Jackson County*, 72 Or LUBA 401 (2015).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The uses authorized in EFU zones in counties that have designated marginal lands are generally set out in subsections of ORS 215.213, whereas the uses authorized in EFU zones in non-marginal lands counties are generally set out in ORS 215.283. The regulation of dwellings under ORS 215.213 was originally intended to be slightly more restrictive than under ORS 215.283, as the quid pro quo for more liberal allowance of dwellings on designated marginal lands under ORS 215.317. *Landwatch Lane County v. Lane County*, 70 Or LUBA 325 (2014).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The nonfarm dwelling standards codified at ORS 215.284 were enacted by the legislature as amendments to ORS 215.283(3) and new subsections of ORS 215.283. *Landwatch Lane County v. Lane County*, 70 Or LUBA 325 (2014).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. As a marginal lands county, Lane County is expressly authorized to apply ORS 215.213(3) in approving a nonfarm dwelling on non-high value farmland in the Willamette Valley. Because Lane County is a marginal lands county, it is not required to apply ORS 215.284(1) in addition to ORS 215.213(3), simply because ORS 215.284(1) expressly applies to lands in the Willamette Valley. ORS 215.284(1) applies to non-marginal lands counties. *Landwatch Lane County v. Lane County*, 70 Or LUBA 325 (2014).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. ORS 215.213(4) provides that a lot for a nonfarm dwelling must comply with any applicable Willamette River Greenway regulations and ORS 215.213(3) does not include a similar reference to Willamette River Greenway regulations. However, that difference in wording between ORS 215.213(3) and (4) alone does not support interpreting ORS 215.213(4) to apply, to the exclusion of ORS 215.213(3), throughout both the Willamette River Greenway and the much larger Willamette River Valley, when ORS 215.213(3) includes no language precluding its applicability within the Willamette River Valley. *Landwatch Lane County v. Lane County*, 70 Or LUBA 325 (2014).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A county errs in requiring an applicant to apply the ORS 215.296 "significant change/increase" standard to a study

of the "surrounding area" that encompasses all agricultural land in the county, on the theory that a proposed conditional use will remove land from agricultural use and require county farmers to shoulder a greater burden of fixed costs in the county's agricultural economy. The focus of ORS 215.296 is on the impacts of the proposed conditional use on agricultural practices in the proximate surrounding area, not attenuated impacts to the larger economy caused by conversion of the subject property from agricultural use to a conditional non-farm use otherwise allowed under ORS chapter 215. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The scope of "surroundings lands" to which ORS 215.296 applies is not limited to lands adjacent to the subject property. However, failure to define the outer limits of the study area or to evaluate impacts on non-adjacent farm operations is not necessarily fatal to the application, if the surrounding agricultural area is homogenous, and there is substantial evidence that the conditional use has no significant impacts on farm practices on adjacent farm parcels. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. ORS 215.296(1) does not require a demonstration that a proposed conditional use of an EFU-zoned parcel will not prevent future agricultural use of the soils occupied by the non-farm conditional use. Because ORS chapter 215 authorizes in EFU zones several uses such as mining or solid waste disposal facilities that involve removal or loss of agricultural soil, such a requirement would effectively prohibit uses allowed in EFU zones under ORS chapter 215. *Hood River Valley PRD v. Hood River County*, 67 Or LUBA 314 (2013).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Under ORS 215.283(1)(c), "[u]tility facilities necessary for public service" are permitted in EFU zones. ORS 215.283(1)(c) operates in conjunction with ORS 215.275(1), which provides that the utility facilities authorized by ORS 215.283(1)(c) are "necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service," and ORS 215.275(2), which sets out the alternatives analysis that must be used to demonstrate that a proposed utility facility is the type of utility facility authorized by ORS 215.283(1)(c) and 215.275(1). *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. An important difference between the uses that are allowed under subsection (1) of ORS 215.283 and the uses that are allowed under subsection (2) of 215.283 is that the uses allowed under subsection (1) are permitted outright and are only subject to statutory standards. Unlike Subsection (2) uses, which may be subject to locally adopted standards, Subsection (1) uses may not be subject to additional regulation under local law. *Brentmar v. Jackson County*, 321 Or 481, 496, 900 P2d 1030 (1995). *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Transmission towers over 200 feet in height are allowed under subsection (2) of ORS 215.283. ORS 215.283(2)(m).

Transmission towers that are not taller than 200 feet are allowable as "utility facilities necessary for public service" under subsection (1) of ORS 215.283. ORS 215.283(1)(c); 215.275. *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Under ORS 215.275, an applicant proposing to site a utility facility on EFU zoned land must consider alternatives that do not utilize EFU-zoned land. Such an applicant need not consider alternatives that do utilize EFU-zoned land and need not establish that there are not other EFU-zoned alternatives that would have fewer adverse impacts on the county's EFU zone. *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The general legislative farmland preservation policies set out in the statutory EFU zone play no role in applying the alternatives analysis required for utility facilities necessary for public service under ORS 215.275. *WKN Chopin LLC v. Umatilla County*, 66 Or LUBA 1 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. ORS 215.296(2), which provides that an applicant for a conditional use allowed under ORS 215.213(2) or 215.283(2) may demonstrate compliance with the ORS 215.296(1) no significant change/increase standard through imposition of clear and objective conditions, does not impliedly limit conditions to those intended to protect farm and forest uses. Neither does ORS 215.296(2) prohibit counties from adopting additional EFU zone approval standards to address the impacts of wind energy facilities on residential uses or Goal 5 resources. *Cosner v. Umatilla County*, 65 Or LUBA 9 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A comprehensive plan policy implementing Statewide Planning Goal 3, which states that the county's policy is to "continue to preserve" for farm use lands with agricultural soils, does not impliedly preclude the county from adopting a text amendment that authorizes in the EFU zone one of the non-farm uses allowed on EFU land under ORS 215.283(2). Authorizing on EFU land non-farm uses listed in ORS 215.283(2) is consistent with Goal 3 as a matter of law. *Waste Not of Yamhill County v. Yamhill County*, 65 Or LUBA 142 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. In approving a building permit for a building "customarily provided in conjunction with farm use" in the EFU zone under ORS 215.213(1)(e) or 215.283(1)(e), one factual variable a county should consider is whether the building is intended to be used as an accessory building to non-farm uses authorized on the property, such as a private use airport, instead of or in addition to an accessory to farm use of the property. *Bratton v. Washington County*, 65 Or LUBA 461 (2012).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. ORS 215.441 authorizes weddings on EFU-zoned land, only if the weddings are associated with "a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship." *Reed v. Jackson County*, 61 Or LUBA 253 (2010).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where a county's EFU zone does not permit solid waste disposal sites, but the statutory EFU zone does allow solid waste disposal sites, under the holding in *DLCD v. Yamhill County*, 183 Or App 556, 53 P3d 462 (2002), a county may not approve an exception to Goal 3 (Agricultural Lands) to allow a solid waste disposal site on EFU-zoned property. Rather, the county must amend its EFU zone to allow solid waste disposal sites if it wishes to authorize that use on its EFU-zoned land. *Waste Not of Yamhill County v. Yamhill County*, 61 Or LUBA 423 (2010).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Utility facilities that are necessary for public service are a permitted use on EFU-zoned land. However, reasonable non-EFU-zoned alternative sites must be considered, and only if one or more of the factors listed at ORS 215.275(2) make the non-EFU-zoned sites infeasible can the utility facility be developed on EFU-zoned land. *Getz v. Deschutes County*, 58 Or LUBA 559 (2009).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. To comply with ORS 215.275(2), before approval for a utility facility on EFU-zoned land may be granted, an applicant must (1) make a reasonable effort to identify reasonable non-EFU-zoned sites, (2) consider any reasonable non-EFU zoned sites that are identified by other parties and (3) demonstrate that all identified non-EFU-zoned alternative sites are not feasible based on one or more of the factors set out in ORS 215.275(2). Where an applicant generally describes how alternative sites were selected, opponents may not fail to suggest any additional alternative non-EFU-zoned sites and on appeal of a decision approving the utility facility argue that the applicant's failure to provide a more detailed explanation for how the applicant selected alternative sites provides a basis for remand. *Getz v. Deschutes County*, 58 Or LUBA 559 (2009).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. It is not error for an applicant for approval of a utility facility on EFU-zoned land to change the focus of its analysis of whether alternative non-EFU-zoned sites are a feasible alternative, so long as the analysis that is ultimately accepted by the local government is legally defensible. *Getz v. Deschutes County*, 58 Or LUBA 559 (2009).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The term "dwelling," as used in ORS 215.284 regarding nonfarm dwellings on farmland, includes any essential or accessory improvements or structures such as a well and septic system, and therefore, like the dwelling itself, those essential or accessory improvements or structures are authorized only on portions of the farm parcel that are generally unsuitable for farm use. *Wetherell v. Douglas County*, 56 Or LUBA 120 (2008).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Under ORS 215.284, unlike the nonfarm dwelling itself or essential or accessory improvements or structures, driveways or access roads serving the nonfarm dwelling do not have to be located on a portion of the parcel that is generally unsuitable for farm use. *Wetherell v. Douglas County*, 56 Or LUBA 120 (2008).

3.3.1 EFU Statute/Ordinances - Nonfarm Uses - Generally. A county EFU zone limit on farm recreational uses that requires that such uses "be subordinate to the commercial agricultural operation in scope, scale and impact, and shall contribute 'added value' to the commercial agricultural farm operation" does not necessarily prohibit a farm recreational use that generates more income than the commercial agricultural operation on the property. *Underhill v. Wasco County*, 43 Or LUBA 277 (2002).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A use permitted by statute on EFU land is not subject to the additional requirement that the use be rural or that an exception to Goal 14 be taken, even if the use is urban in nature. Where such a use is expressly permitted on EFU land, it is also implicitly permitted by statute on rural land zoned other than EFU. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Because a public park is permitted by statute on EFU land without requiring compliance with Goal 14 or an exception to that goal, it is also permitted on rural land zoned other than EFU without requiring compliance with Goal 14 or an exception, even if the park would primarily serve urban residents. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Assuming that a public park is a "public facility or service" governed by Goal 11, because a public park is permitted by statute on EFU land without taking an exception to Goal 11, a public park is also allowed on rural land zoned other than EFU without taking an exception to Goal 11, or requiring that the park serve only rural lands. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A public stormwater facility is or can be a "utility facility necessary for public service" allowed by statute in the EFU zone. Such a facility is also allowed on rural lands zoned other than EFU without taking an exception to Goal 11 or requiring that the stormwater facility serve only rural lands. *Stallkamp v. City of King City*, 43 Or LUBA 333 (2002).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The rural fire service facilities authorized by ORS 215.283(1)(w) are not required to serve rural areas exclusively. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. In considering whether a rural fire service facility authorized by ORS 215.283(1)(w) primarily serves rural rather than urban areas, areas inside UGBs and any areas outside a UGB for which an exception to Goal 14 has been approved to allow urban-level development must be considered urban. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A fire station with only five percent of its service area inside a UGB and somewhere between 67 percent and 76 percent of its incident responses going to rural areas outside the UGB primarily serves rural areas. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The fire service facilities authorized by ORS 215.283(1)(w) may also provide emergency medical services and appropriately limited on-site training. *Keicher v. Clackamas County*, 39 Or LUBA 521 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The requirement under OAR 660-012-0065(3)(o) that the travel capacity and level of service of transportation facilities sited on rural EFU-zoned land must "be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan" is satisfied where the proposed facility would serve seven lot of record dwellings, the comprehensive plan authorizes rural dwellings and the EFU zoning statutes specifically authorize lot of record dwellings in EFU zones. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. An existing road cannot be rejected as an alternative under OAR 660-012-0065(5)(a) because it is (1) unsafe, (2) does not meet "applicable standards," or (3) has not previously been "approved by a registered professional engineer." Under the rule, the county must also establish that the existing road cannot be improved to be "safe," meet "applicable standards," and be "approved by a registered professional engineer" "at a reasonable cost, not considering raw land costs, with available technology." *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A decision that an existing road need not be considered as an alternative under OAR 660-012-0065(5)(a) is not supported by substantial evidence where there is no attempt to identify how costly it would be to address safety problems and bring the road up to applicable standards so that it could be approved by a registered engineer. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. OAR 660-012-0065(5)(a) prohibits consideration of "land costs," in determining whether the cost of an alternative is reasonable. "Land costs" are not limited to purchase of the fee title and include purchase of an easement. *Friends of Yamhill County v. Yamhill County*, 39 Or LUBA 478 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Contextual statutory references to "public schools," "private schools" and "schools" indicate that the legislature intended the scope of "public or private schools" allowed in the EFU zone under ORS 215.283(1)(a) to include schools for elementary and secondary education, but not adult career schools. *Warburton v. Harney County*, 39 Or LUBA 398 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Nonfarm uses allowed by ORS 215.213 and 215.283 are exceptions to the agricultural purpose of the EFU zone and, where an interpretative choice is necessary, specific statutory uses should be interpreted not to include uses that would subvert the goal of preserving land in productive agriculture. *Warburton v. Harney County*, 39 Or LUBA 398 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where the scope of "public or private schools" allowed in the EFU zone under ORS 215.283(1)(a) could be plausibly construed to include only schools for elementary and secondary education, or more broadly to include any kind of use that has an educational component, the statute should be interpreted not to include uses that would subvert the goal of preserving land for agriculture. *Warburton v. Harney County*, 39 Or LUBA 398 (2001).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where petitioner does not establish that the city either applied or was required to apply land use standards when it made a final decision to condemn petitioner's EFU-zoned property for a utility facility, in advance of seeking county land use approval for that facility, the challenged decision is not a land use decision over which LUBA has jurisdiction. *E & R Farm Partnership v. City of Gervais*, 39 Or LUBA 251 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where industrial effluent is applied to poplar trees in an exclusive farm use zone so that heavy metals and nitrogen compounds in the effluent will bind to the soil and be taken up into the poplar trees, rather than being deposited into a creek, the proposed use is properly viewed as an extension of the city's sewerage treatment system and thus as a "utility facility," within the meaning of ORS 215.283(1)(d). *Cox v. Polk County*, 39 Or LUBA 1 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A proposed use of land may be both a "farm use" and a "utility facility," and where it qualifies as both, the proposed use must meet the approval criteria for both farm uses and utility facilities. *Cox v. Polk County*, 39 Or LUBA 1 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The limitations on activities in public parks imposed by OAR 660-034-0035 do not apply to private parks allowed on agricultural and forest lands under ORS 215.283(2)(c), OAR 660-033-0120 and OAR 660-006-0025(4)(e). *Utsey v. Coos County*, 38 Or LUBA 516 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Unlike Goal 4 and the Goal 4 rule, which limit recreational activities on forest lands to those "appropriate for a forest environment," ORS 215.283(2)(c) and OAR 660-033-0120 contain no express language restricting the scope or intensity of activities allowed in "private parks" on agricultural land. *Utsey v. Coos County*, 38 Or LUBA 516 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Transmission towers that are less than 200 feet in height may only be approved on EFU-zoned land, under ORS 215.283(1)(d), where it is established that it is not feasible to locate the tower on non-EFU-zoned lands. *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses - Generally. Transmission towers that are more than 200 feet in height may be approved under ORS 215.283(2)(L) on EFU-zoned land, subject to the approval criteria set out at ORS 215.296 and any locally adopted approval criteria. It is not necessary to establish that it is not feasible to locate

such transmission towers on non-EFU-zoned lands. *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. In approving applications for permits for uses that are specifically allowed in rural EFU zones by ORS 215.213 and 215.283, counties are not required to apply the case-by-case urban/rural analysis that is required under Goal 14 and *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986) on non-EFU-zoned rural lands. *Jackson County Citizens League v. Jackson County*, 38 Or LUBA 37 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A water utility's proposal to solve a water shortage by drilling wells and constructing related facilities on EFU-zoned land need not demonstrate that it is not feasible to solve the water shortage in some other way than drilling wells. *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Once a water utility decides to solve a water shortage by drilling wells and constructing related facilities, the wells and related facilities must be located on non-EFU-zoned land, unless it is not feasible to do so. *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A utility facility may be located on EFU-zoned land if it is not feasible to locate the utility facility on non-EFU-zoned land and, in that circumstance, ORS 215.213(1)(d) and 215.283(1)(d) do not require that the utility facility be located on the "least suitable" EFU-zoned land. *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. In reviewing alternatives to locating a proposed utility facility on a proposed EFU-zoned site, a county is not required to examine alternatives that would also involve using EFU-zoned lands. *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Under *Brentmar v. Jackson County*, 321 Or 481, 900 P2d 1030 (1995), a county may not apply local land use legislation to deny or condition uses that are authorized by ORS 215.213(1) or 215.283(1), unless the county is required by statewide planning goals or LCDC rules to apply the local land use legislation to such uses. *Dayton Prairie Water Assoc. v. Yamhill County*, 38 Or LUBA 14 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. "Community centers" that are operated by a "nonprofit commmunity organization" may be allowed in EFU zones. An argument that an approved facility is a "retreat center" rather than a "community center" provides no basis for remand, where petitioner fails to establish that the facility could not appropriately be considered both a "retreat center" and a "community center." *Lighthart v. Polk County*, 37 Or LUBA 787 (2000).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. An applicant for approval of a utility facility on EFU-zoned land must demonstrate that constructing the utility on non-EFU-zoned land is not a feasible alternative. *Clackamas Co. Svc. Dist. No. 1 v. Clackamas County*, 35 Or LUBA 374 (1998).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The rule announced in *Brentmar v. Jackson County*, 321 Or 481, 900 P2d 1030 (1995) that the category of uses listed at ORS 215.283(1) are uses of right to which a county cannot apply supplementary standards, does not preclude the possibility that specific uses listed at ORS 215.283(1) by their terms permit the county to apply supplemental standards. *Shadrin v. Clackamas County*, 34 Or LUBA 154 (1998).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Read in context, the statutory provision at ORS 215.283(1)(p) allowing "seasonal farmworker housing" as a permitted use in an EFU zone allows the local government to apply supplemental approval standards, as long as those standards are clear and objective and do not have the effect of discouraging needed housing through unreasonable cost or delay. *Shadrin v. Clackamas County*, 34 Or LUBA 154 (1998).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A local standard limiting seasonal farmworker housing to workers employed exclusively on the resident farm is inconsistent with the legislative intent behind the seasonal farmworker statutes, which do not contemplate such a restriction. *Shadrin v. Clackamas County*, 34 Or LUBA 154 (1998).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A county may regulate or define uses allowed under ORS 215.283(2) as long as it does not define those uses more expansively than permitted by state law. *R/C Pilots Association v. Marion County*, 33 Or LUBA 532 (1997).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A county may interpret its local codification of nonfarm uses allowed in EFU zones more restrictively than state law requires. Such a more restrictive interpretation is not contrary to ORS 215.283(2)(d) and will be affirmed by LUBA where it is not so inconsistent with the zoning ordinance as to be clearly wrong. *R/C Pilots Association v. Marion County*, 33 Or LUBA 532 (1997).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Expansion of a golf course is not permitted under OAR 660-33-130(18) exception unless the existing facilities are within the same zone as the proposed expansion. *DLCD v. Jackson County*, 33 Or LUBA 302 (1997).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Limitations in OAR 660-33-120 and 660-33-130 are consistent with ORS 215.283 provision allowing golf courses on exclusive farm use land. *DLCD v. Jackson County*, 33 Or LUBA 302 (1997).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Neither ORS 215.203(1) nor ORS 215.283 mandates the manner in which the local governing body may approve nonfarm uses allowed in EFU zones under ORS 215.283. Nor do these statutes require an additional permit for uses allowed under ORS 215.283, independent of the requirements of the local government's approval process. *Mission Bottom Assoc. v. Marion County*, 29 Or LUBA 281 (1995).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The requirements of ORS 215.296 apply directly to uses allowed in EFU zones under ORS 215.283(2). In order to establish a proposed use satisfies the requirements of ORS 215.296, the local government must adopt findings establishing the proposal complies with that statute. *Mission Bottom Assoc. v. Marion County*, 29 Or LUBA 281 (1995).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. A county must incorporate into its exclusive farm use zones, or otherwise implement, the restrictions on uses of high-value farmland required by OAR 660-33-020(8), 660-33-080, 660-33-090 and 660-33-120. *DLCD v. Josephine County*, 28 Or LUBA 459 (1994).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Although nothing in ORS 215.213(1) and (2) and 215.283(1) and (2) prevents a county from adopting an EFU zone that allows uses identified in ORS 215.213(1) or 215.283(1) as outright permitted uses, those statutes do not *require* that it do so. *Brentmar v. Jackson County*, 27 Or LUBA 453 (1994).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where LUBA determines a proposed use is allowable as a conditional use on EFU-zoned land under a provision of ORS 215.213 or 215.283, it need only consider whether the use is also allowable as a conditional use under the provisions of a county's EFU zone to the extent that the zone imposes more restrictive requirements than the statute. *Spiering v. Yamhill County*, 25 Or LUBA 695 (1993).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. That a proposed paintball game park could be allowed as a "private recreation use" in a commercial zone does not mean it cannot be allowed as a "park" in an EFU zone. *Spiering v. Yamhill County*, 25 Or LUBA 695 (1993).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where a local code requires certain nonresidential conditional uses in an EFU zone to be "a principal use of the property," it is within a local government's discretion to interpret this phrase to apply only to the portion of the property on which the conditional use will be located, and to require that the proposed use be more than a strictly personal use of the property owner. *Spiering v. Yamhill County*, 25 Or LUBA 695 (1993).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. ORS 215.283 establishes standards directly applicable to county land use decisions concerning nonfarm uses of EFU-zoned land. Regardless of whether a county adopts an exception to Goal 3 for EFU-

zoned land, it cannot allow a nonfarm use not listed under ORS 215.283 on such land without changing the zone. *Schrock Farms, Inc. v. Linn County*, 25 Or LUBA 187 (1993).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where a local government adopts an adequate exception to Statewide Planning Goal 3 for a proposed highway realignment, failure to comply with ORS 215.283 or local EFU zoning requirements does not provide a basis for reversing or remanding the local government's decision. *Schrock Farms, Inc. v. Linn County*, 24 Or LUBA 58 (1992).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. While counties may not adopt exclusive farm use zones that are less protective of agricultural lands than required by statute, they may regulate agricultural lands more stringently. *Avgeris v. Jackson County*, 23 Or LUBA 124 (1992).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Under the EFU zoning statute, counties may allow churches as outright permitted uses. However, where a particular EFU zone requires case-by-case findings that proposed nonfarm uses, including churches, will be compatible with farm uses and consistent with state Agricultural Land Use Policies, such findings must be made. *Avgeris v. Jackson County*, 23 Or LUBA 124 (1992).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where a conditional use permit approval standard in an EFU zone requires that there be "no other feasible location for the proposed use," the term "feasible location" does not mean "ideal location," but rather a location which is capable of being used for the proposed use. *Simmons v. Marion County*, 22 Or LUBA 759 (1992).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where a conditional use permit approval standard in an EFU zone requires that there be "no other feasible location for the proposed use," the price of land at an alternative site is not justification for finding that site infeasible, in the absence of evidence that the price is unreasonable for a site for the proposed use. *Simmons v. Marion County*, 22 Or LUBA 759 (1992).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Although the EFU zoning statutes do not establish specific approval standards for golf courses in EFU zones, ORS 215.296(1) establishes standards applicable to nonfarm uses in EFU zones generally, and requires that approval of such uses not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands. *Von Lubken v. Hood River County*, 22 Or LUBA 307 (1991).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Comprehensive plan agriculture policies are criteria applicable to a request for conditional use approval for a nonfarm use in an exclusive farm use zone, where the zoning ordinance specifically provides that conditional uses must comply with plan goals and policies and there is nothing in the language of the plan agriculture policies which suggests they were not

intended to apply as applicable approval standards. *Waker Assoc., Inc. v. Clackamas County*, 22 Or LUBA 233 (1991).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. The correct way to resolve a conflict between code provisions that (1) specifically allow approval of golf courses in an EFU zone as a conditional use, but (2) establish approval standards for golf courses which make it impossible to ever approve a golf course in the exclusive farm use zone, is to conclude that the approval standards making approval an impossibility were not intended to govern approval of golf courses. *Waker Assoc., Inc. v. Clackamas County*, 22 Or LUBA 233 (1991).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Because the statutes allowing dog kennels in exclusive farm use zones do not define the term "dog kennel," that term must be given its plain and ordinary meaning, which includes boarding and breeding facilities but does not include training facilities. *Greuner v. Lane County*, 21 Or LUBA 329 (1991).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Where the legislature intended to allow facilities for intensive training of dogs in the exclusive farm use zone, it specifically used the term "training" in addition to the term "kennel." ORS 215.213(1)(L). *Greuner v. Lane County*, 21 Or LUBA 329 (1991).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. Application of plan agricultural goals requiring preservation of agricultural lands to proposed nonfarm conditional uses in exclusive farm use zones does not effectively prohibit such nonfarm conditional uses, if the ordinance requirement to satisfy the purposes of the plan goals is interpreted and applied by balancing the degree to which a proposed nonfarm use furthers or conflicts with various plan goals and policies. *Rowan v. Clackamas County*, 19 Or LUBA 163 (1990).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. County interpretation of its plan agricultural land policy to allow it to balance the applicant's need for additional acreage for a golf course, against the county policy favoring retention of EFU-zoned land in large blocks for agricultural use, is a correct interpretation of the county policy. *Douglas v. Multnomah County*, 18 Or LUBA 607 (1990).

3.3.1 EFU Statute/Ordinances – Nonfarm Uses – Generally. County interpretation of a code "minimum" lot size standard requiring that the lot size be based on the needs of the use to impose a requirement that a golf course in an EFU zone include only the number of acres needed for the golf course is a correct interpretation of the code. *Douglas v. Multnomah County*, 18 Or LUBA 607 (1990).