

RULE LANGUAGE

1 **660-004-0018**
2 **Planning and Zoning for Exception Areas**
3 (1) Purpose. This rule explains the requirements for adoption
4 of plan and zone designations for exceptions. Exceptions to
5 one goal or a portion of one goal do not relieve a jurisdiction
6 from remaining goal requirements and do not authorize uses,
7 densities, public facilities and services, or activities other than
8 those recognized or justified by the applicable exception.
9 Physically developed or irrevocably committed exceptions
10 under OAR 660-004-0025 and 660-004-0028 and 660-014-
11 0030 are intended to recognize and allow continuation of
12 existing types of development in the exception area. Adoption
13 of plan and zoning provisions that would allow changes in
14 existing types of uses, densities, or services requires the
15 application of the standards outlined in this rule.
16
17 (2) For "physically developed" and "irrevocably committed"
18 exceptions to goals, residential plan and zone designations
19 shall authorize a single numeric minimum lot size and all plan
20 and zone designations shall limit uses, density, and public
21 facilities and services to those that satisfy (a) or (b) or (c) and,
22 if applicable, (d):
23
24 (a) That are the same as the existing land uses on the
25 exception site;
26
27 (b) That meet the following requirements:
28
29 (A) The rural uses, density, and public facilities and services
30 will maintain the land as "Rural Land" as defined by the goals,
31 and are consistent with all other applicable goal requirements;
32
33 (B) The rural uses, density, and public facilities and services
34 will not commit adjacent or nearby resource land to uses not
35 allowed by the applicable goal as described in OAR 660-004-
36 0028; and
37
38 (C) The rural uses, density, and public facilities and services
39 are compatible with adjacent or nearby resource uses;
40
41 (c) For uses in unincorporated communities, the uses are
42 consistent with OAR 660-022-0030, "Planning and Zoning of
43 Unincorporated Communities", if the county chooses to
44 designate the community under the applicable provisions of
45 OAR chapter 660, division 22;
46
47 (d) For industrial development uses and accessory uses
48 subordinate to the industrial development, the industrial uses
49 may occur in buildings of any size and type provided the
50 exception area was planned and zoned for industrial use on
51 January 1, 2004, subject to the territorial limits and other
52 requirements of ORS 197.713 and 197.714.
53
54 (3) Uses, density, and public facilities and services not meeting
55 section (2) of this rule may be approved on rural land only
56 under provisions for a reasons exception as outlined in section

RULE LANGUAGE

1 (4) of this rule and applicable requirements of OAR 660-004-
2 0020 through 660-004-0022, 660-011-0060 with regard to
3 sewer service on rural lands, OAR 660-012-0070 with regard
4 to transportation improvements on rural land, or OAR 660-014-
5 0030 or 660-014-0040 or 660-014-0090 with regard to urban
6 development on rural land.
7
8 (4) "Reasons" Exceptions:
9
10 (a) When a local government takes an exception under the
11 "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-
12 0020 through 660-004-0022, OAR 660-014-0040, or OAR 660-
13 014-0090, plan and zone designations must limit the uses,
14 density, public facilities and services, and activities to only
15 those that are justified in the exception.
16
17 (b) When a local government changes the types or intensities
18 of uses or public facilities and services within an area
19 approved as a "Reasons" exception, a new "Reasons"
20 exception is required.
21
22 (c) When a local government includes land within an
23 unincorporated community for which an exception under the
24 "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-
25 0020 through 660-004-0022 was previously adopted, plan and
26 zone designations must limit the uses, density, public facilities
27 and services, and activities to only those that were justified in
28 the exception or OAR 660-022-0030, whichever is more
29 stringent.
30
31
32

This is the language that would be added, if the RAC agrees, not allowing rezones from the underlying farm or forest zoning district when a goal exception is approved.

d) When a local government approves an exception for a photovoltaic solar power generation facility under OAR 660-004-0020 through OAR 660-004-0022 the subject property shall remain zoned for exclusive farm use, forest use or mixed farm and forest; whichever is applicable. The local government shall also continue to apply the relevant approval criteria included at OAR 660-033-0130(38), OAR 660-033-0130(45) or OAR 660-006-0025(4).