

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. A local government’s unsupported inference that ranching operations are 2-3 miles distant from the proposed nonfarm dwelling, and its reliance on the absence of evidence on which the applicant bears the burden of proof, do not constitute substantial evidence supporting a finding that the nonfarm dwelling is compatible with farm uses. *Wolverton v. Crook County*, 34 Or LUBA 515 (1998).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Under the compatibility standard, the local government must address conflicts between existing residential uses and nearby farm uses, where a proposed nonfarm dwelling will contribute to and thus aggravate those conflicts. *Wolverton v. Crook County*, 34 Or LUBA 515 (1998).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Absent an identification of what specific farm and forest practices are involved on nearby lands, a local government cannot meaningfully determine whether a proposed nonfarm dwelling will cause a significant change in or increased cost to those practices. *Hearne v. Baker County*, 34 Or LUBA 176 (1998).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Where a conditional use is proposed on EFU land, the compatibility of the proposed use with uses on adjacent properties is necessary to ensuring the stability of existing uses, but it does not alone ensure stability. *Ray v. Douglas County*, 32 Or LUBA 388 (1997).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. There is insufficient evidence in the county’s findings to support a conclusion of compatibility with farm use where the findings do not include evidence regarding the surrounding farm uses in the area, and do not explain how the proposed nonfarm dwelling will be compatible with the identified farm uses. *Le Roux v. Malheur County*, 32 Or LUBA 124 (1996).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Where a county acknowledges an incompatibility between a proposed nonfarm use and surrounding farm uses, it cannot determine that the proposed use satisfies the requirement that it be compatible through the imposition of a condition which will mitigate but not resolve the incompatibility. *Thomas v. Wasco County*, 30 Or LUBA 302 (1996).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Findings determining compatibility between a proposed nonforest dwelling and forest uses are inadequate where the findings simply conclude no conflicts have occurred between existing dwellings and forest uses, but fail to establish the proximity between those existing dwellings and forest uses, and fail to establish whether the existing dwellings have buffering or other characteristics similar to those of the subject parcel. *DLCD v. Lincoln County*, 26 Or LUBA 89 (1993).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Even if a proposed use does not significantly interfere with accepted farming practices on adjacent agricultural lands or materially alter the stability of the overall land use pattern of the area, it may nevertheless be

incompatible with farm uses and inconsistent with the intent and purpose of ORS 215.243. *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. A local code requirement that a proposed farm dwelling be compatible with area farm operations does not require a determination of the compatibility of the proposed dwelling with domestic water users in the area. *Giesy v. Benton County*, 24 Or LUBA 328 (1992).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. A code requirement that a proposed nonresource dwelling not be incompatible or interfere with adjacent farm and forest uses requires findings (1) identifying an area zoned for farm and forest uses, (2) determining what farm and forest uses occur within that identified area, and (3) evaluating whether the proposed nonresource dwelling will be “incompatible” or will “interfere” with those practices. *Veach v. Wasco County*, 23 Or LUBA 492 (1992).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. In determining whether a proposed golf course on EFU-zoned land satisfies local standards requiring that the golf course be compatible with and not seriously interfere with farm uses, the local government must identify the farm uses in the area and explain how the proposal will be compatible, and not seriously interfere, with the identified farm uses. *Kaye v. Marion County*, 23 Or LUBA 452 (1992).

3.3.4 EFU Statute/Ordinances – Nonfarm Uses – Compatibility Standard. Without an explanation of the relationship between the location of the farm uses in the area and the subject parcel, a county’s findings are inadequate to establish that a proposed nonfarm dwelling is compatible with the farm uses in the area. *Stefan v. Yamhill County*, 18 Or LUBA 820 (1990).