3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where it is not apparent that a county adopted one or more conditions of approval to address the impacts described in ORS 215.296(1), petitioner's argument that the county's conditions of approval are not "clear and objective," as is required by ORS 215.296(2), provides no basis for reversal or remand. *Oregon Natural Desert Assoc. v. Grant County*, 42 Or LUBA 9 (2002).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Failure to specifically describe the grazing practices on surrounding properties does not render a finding of compliance with the noninterference standard inadequate where the proposed nonfarm dwelling is one-half mile from the nearest grazing operation and buffered by a number of vacant lots, and no conceivable interference is identified. *Wolverton v. Crook County*, 39 Or LUBA 256 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Vandalism and traffic impacts associated with a county road traversing petitioners' cattle ranch are insufficient to show that a proposed nonfarm dwelling will seriously interfere with grazing practices on petitioners' ranch, where the county finds that vandalism is not associated with nonfarm dwellings using the road and traffic from the proposed dwelling is not significantly greater than could occur under permitted uses. *Wolverton v. Crook County*, 39 Or LUBA 256 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where a neighboring farmer identifies significant changes and significant cost increases to his ranching operation from a proposed motocross race track and off-road vehicle park, the county must find that the proposed park, as conditioned, will not cause those impacts. Such findings are inadequate where the county does not address those identified impacts or explain why the proposed park, as conditioned, will not cause those impacts. *Utsey v. Coos County*, 38 Or LUBA 516 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Conditions imposed on a proposed motocross race track and off-road vehicle park that noise from the park must comply with DEQ standards and not exceed 99 decibels are inadequate to support a finding of compliance with the noninterference standard, where the county does not determine whether compliance with DEQ standards will prevent identified impacts on surrounding farm and forest practices, and the only mechanism for achieving compliance is to limit the noise from individual vehicles to 99 decibels. Without addressing the cumulative noise impacts of multiple vehicles, the county is no position to conclude that identified impacts will not occur. *Utsey v. Coos County*, 38 Or LUBA 516 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where a party during local proceedings advises the county that an existing or prior farm use on surrounding lands is in the process of being abandoned, and plans for the new farm use are sufficiently developed to allow the new farm use to be described in sufficient detail to allow the farm practices that will be associated with the new farm use to be identified, an applicant for a nonfarm use that is subject to ORS 215.296(1) must address the accepted farming practices that will be associated with that new farm use. *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Organic farming is not properly viewed as either a "farm use" or an "accepted farm practice." However, organic

farmers may employ accepted farming practices that are not normally associated with other types of farming. *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Impacts on "farm families, residents and workers" are not impacts on "accepted farm practices," that must be considered under ORS 215.296(1). *Dierking v. Clackamas County*, 38 Or LUBA 106 (2000).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where a county's findings are adequate to identify accepted farming practices on lands surrounding a proposed aggregate mining operation but do not explain why they will not be significantly affected by the mining operation, the county's decision must be remanded. *Turner Community Association v. Marion County*, 37 Or LUBA 324 (1999).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. A county may distinguish between those properties "primarily devoted" to farm use versus properties "primarily devoted" to residential use in its analysis to determine whether a proposed dwelling will force a significant change in or increase the cost of farm practices on surrounding lands devoted to farm use, as required by ORS 215.705(2)(a)(C)(ii). *Friends of Linn County v. Linn County*, 37 Or LUBA 297 (1999).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. A county's findings concerning the noninterference standard are inadequate, where the findings simply identify nearby farm uses without identifying the accepted farming practices associated with those uses or explaining why the proposal will not force a significant change in or significantly increase the cost of those accepted farming practices. *Friends of Linn County v. Linn County*, 37 Or LUBA 280 (1999).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. A finding that there is no "commercially viable farm activity" on nearby parcels does not satisfy an approval standard that a proposed nonfarm dwelling will not interfere with nearby farm uses. *O'Brien v. Lincoln County*, 31 Or LUBA 262 (1996).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. The noninterference standard of ORS 215.283(3)(b) applies directly to land in a county EFU zone, and EFU zone provisions implementing ORS 215.283(3)(b) may not be interpreted inconsistently with the statute. *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where only a portion of an EFU-zoned property is to be put to nonfarm use, the provision of ORS 215.283(3)(b) requiring noninterference with accepted farming practices applies both to farming practices that will continue on the subject property and to farming practices on parcels that adjoin the subject property. *DLCD v. Crook County*, 26 Or LUBA 478 (1994).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where findings state facts relevant to whether a proposed nonfarm use will interfere with accepted farming practices, but do not identify the types of farming occurring in the area, and those findings are

challenged as inadequate and not supported by substantial evidence, LUBA will sustain the challenge in the absence of any attempt by respondents to defend the findings or identify evidence supporting the findings. *DLCD v. Crook County*, 25 Or LUBA 98 (1993).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference 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).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference 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).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Where the evidence establishes a reasonable farmer would not significantly change the manner in which the farm is managed due to a proposed golf course, and the opponents' evidence shows only that there is a remote possibility that there could be some impacts from such proposed golf course, the county's determinations that the proposed golf course will not seriously interfere with, force a significant change in, or significantly increase the cost of accepting farming practices in the area, are supported by substantial evidence. *Washington Co. Farm Bureau v. Washington County*, 22 Or LUBA 540 (1992).

3.3.5 EFU Statute/Ordinances – Nonfarm Uses – Noninterference Standard. Findings of compliance with a standard that a proposed golf course will not "force a significant change in," or "significantly increase the cost of," accepted farm or forest practices on surrounding lands do not necessarily satisfy a standard that the proposed golf course will not "interfere seriously" with accepted farming practices. *Washington Co. Farm Bureau v. Washington Co.*, 21 Or LUBA 51 (1991).