

**ARTICLE 4.9 EXCLUSIVE FARM USE ZONE (EFU)**

Note that uses noted with \* are supplemental uses not addressed under OAR 660-33-120.

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**SECTION 4.9.100 Purpose.** The purpose of the agriculture zone is to implement the requirements of ORS 215 and OAR 660, Division 33, which implement the requirements for agricultural land as defined by Statewide Planning Goal 3.

**SECTION 4.9.200. Uses Permitted Outright.** The following uses and activities and their accessory uses are permitted outright in the “Exclusive Farm Use” zone and “Mixed Use” overlays subject to applicable siting and development standards set forth in Sections 4.9.600 and 4.9.700.

- A. Farm use as defined in ORS 215.203.

This use is also permitted in CREMP EFU. CREMP Policy 18 is applicable in units 23 and 32. CREMP Policy 22 is applicable in units 23 and 26.

- B. Other buildings customarily provided in conjunction with farm use.

This use is permitted in CREMP EFU. CREMP Policy 18 is applicable in segments 23 and 32. CREMP Policy 22 is applicable in segments 23 and 26.

- C. Propagation and harvesting of a forest product.

- D. Reestablishment of nonfarm use, pursuant to ORS 215.215 of 2005 edition of the Oregon Revised Statutes, to its previous nature and extent when the nonfarm use was unintentionally destroyed.

- E. Farm stands are permitted pursuant to ORS 215.283(1)(r ) and OAR 660-033-0130(23).
- F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. See also Section 3.2.500.
- G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. See also Section 3.2.500.
- H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. See also Section 3.2.500.
- I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and Highways. See also Section 3.2.500.
- J. Alteration, restoration, or replacement of a lawfully established dwelling. A lawfully established dwelling is a single-family dwelling which:
  - 1. Has intact interior walls and roof structure;
  - 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - 3. Has interior wiring for interior lights; and
  - 4. Has a heating system.

In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

A replacement dwelling may be sited on any part of the same lot or parcel.

A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant shall execute and record in the deed records, a deed

restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records. The release shall be signed by the County and state the provisions of this paragraph regarding the replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph. (OR 98-01-002PL 5/4/98)

Coos County does not allow conversion of mobile homes into accessory storage buildings or uses.

These uses must comply with Coastal Shoreland Boundary conditional use criteria in CREMP EFU.

An additional farm dwelling authorized pursuant to Section 4.9.525 (f) (3) (c) or Section 4.9.540 (D) (3) (c) may only be replaced with a manufactured dwelling.

- K. \* Dams limited in scale (e.g., reservoirs less than 1,000 acre feet) and not for use as a domestic water supply or for generating power for public sale. This use is not permitted in CREMP.
- L. \* Utility facility including service lines for the generation of power not for public sale.

This use is also permitted in CREMP EFU. This use is subject to CREMP Policy 18 in Segments 23 and 32 and to Policy 22 in segments 23 and 26.

- M. \* Temporary residence which includes a mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year subject to renewal.

This use is also permitted in CREMP EFU. This use is subject to CREMP Policy 18 in Segments 23 and 32 and to Policy 22 in segments 23 and 26.

- N. \* Diking (construction and maintenance).

However, this is an administrative conditional use in CREMP EFU. The applicable review criteria are CREMP Policies 14, 18, 19, 22, 23, and 27.

- O. \* Drainage and tide-gating.

However, this is an administrative conditional use in CREMP EFU. The applicable review criteria are CREMP Policies 14, 18, 19, 22, 23, and 27.

P. \* Fill.

However, this is an administrative conditional use in CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable. The use is not permitted in segment 26.

Q. \* Mitigation.

However, this is an administrative conditional use in CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable. Although mitigation may be permitted, voluntary restoration not required as mitigation would require an exception. This condition does not apply to segment 53. This use is not permitted in segment 47.

R. \* Non-structural shoreland stabilization. This use is also permitted in CREMP EFU.

S. \* Dredge material disposal.

However, this is an administrative conditional use in CREMP EFU. CREMP Policies 14, 18, 19, 20, 22, 23, and 27 are applicable. In addition, the DMD is to include stabilization measures to control run-off and prevent sloughing. The use is not permitted in segment 26.

T. Aggregate mining of less than 1,000 cubic yards of material or excavation of a surface area of less than one acre for a site inventoried by the Comprehensive Plan. For any operation that mines less than 1,000 cubic yards of aggregate the following conditions must be met:

1. The Planning Department must be notified at least 5 working days before commencement of the operation.
2. Sloping after mining must not exceed a 3:1 slope.
3. the disturbed area must be reseeded with a native grass species.
4. No oil or other contaminants must be allowed in the pit.
5. Approval must be obtained from DEQ if there is any backfilling of the pit.

This use includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or

other onsite construction or nonsurface impacts of underground mines.

This use under these conditions is also permitted in CREMP EFU.

- U. Mining for owner/tenant use. For any operation that mines less than 1,000 cubic yards of aggregate, the conditions in T, above, must be met. This use under these conditions is also permitted in CREMP EFU.

For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in T, above, must be met.

- V. Passive Restoration is an allowed interim farm use. [OR#01-04-009PL 5/16/01]

**SECTION 4.9.300. Administrative Conditional Use.** The following uses and their accessory uses may be allowed as administrative conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

- A. Commercial activities in conjunction with farm use.
- B. Except on high-value farmland, dog kennels. On high-value farmland existing dog kennels may be maintained, enhanced or expanded, subject to other provisions of this ordinance.

This use may also be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19 and 22 may be applicable.

- C. The propagation, cultivation, maintenance and harvesting of aquatic species.
- D. One manufactured dwelling or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person(s). The temporary dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.

In addition, the applicant must submit certification from a qualified physician stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the hardship.

Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or, returned to an allowed nonresidential use.

Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.

A temporary residence approved under this Section is not eligible for replacement under Section 4.9.200(J) criteria. (OR 98-01-002PL 5/4/98)

As used in this section “manufactured dwelling” means a manufactured home, mobile home, or recreational vehicle.

This use may be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable.

- E. Operations for the exploration for minerals as defined by ORS 517.750.

This use may be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable.

- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels. See also Section 3.2.500 for additional requirements.
- G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. See also Section 3.2.500 for additional requirements.
- H. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- I. Home occupations as provided in ORS 215.448. On high-value farmland a home occupation may be authorized in an existing dwelling and structures accessory to an existing dwelling. Home occupations may not be authorized in structures accessory to resource use. A home occupation located on high-value farmland may employ only residents of the home.
- J. Residential home or facility as defined in ORS 197.660, in existing dwellings.

This use may be allowed in CREMP EFU also.

- K. Room and board arrangements for a maximum of five unrelated persons in existing dwellings.

This use may be allowed in CREMP EFU also.

- L. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County inventory as historic property as defined in ORS 358.480. The historic dwelling shall be listed on the National Register of Historic Places.

This use may be allowed in CREMP EFU subject to CREMP Policies 14, , 18, 19, 22, and 27 may be applicable in addition to the above.

- M. \* Air and water navigation aids.

This use may be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable.

- N. \* Modification of historic structure where:

- a. The modification is necessary to preserve, protect or enhance the original historical character of the structure;
- b. The use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions; and
- c. A site plan and architectural plans must be submitted for review.

This use may be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable.

- O. \* Structural shoreland stabilization. This use is subject only to Natural Hazards Policy #5 in volume 1 Part 1 of the Coos County Comprehensive Plan and not to Section 4.9.400.

This use may be permitted in CREMP EFU. CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable. In addition Policy 9 is applicable. The use is not permitted in Segment 47.

**SECTION 4.9.350. Hearings Body Conditional Uses.** The following uses and their accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

- A. A winery as described in ORS 215.452.
- B. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule.

This use may be allowed in CREMP EFU. In addition to the above, CREMP Policies 14, 18, 19, 22, 23 and 27 may be applicable.

- C. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

This use may be allowed in CREMP EFU. In addition to the above, CREMP Policies 14, 18, 19, 22, 23 and 27 may be applicable.

- D. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

Any operation that mines less than 1,000 cubic yards of aggregate, Section 4.9.200(T) is applicable.

For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in Section 4.9.200(T) must be met along with the hearings body conditional use.

Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries.

This use may be allowed in CREMP EFU. In addition to the above, CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- E. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
- F. Processing of other mineral resources and other subsurface resources.
- G. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.

A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division.

H. Transmission towers over 200 feet in height.

In addition to the above, the use may be permitted on CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

I. Except on high-value farmland, a site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 495.049, together with the equipment, facilities or buildings necessary for its operation.

On high-value farmland existing facilities may be maintained, enhanced or expanded, subject to other requirements of law.

J. Except on high-value farmland, a site for the disposal of solid waste approved by the governing body of a city, county, or both, and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

On high-value farmland existing facilities may be maintained, enhanced or expanded subject to other requirements of law.

K. Commercial utility facilities for the purpose of generating power for public use by sale.

On other than high-value farmland a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.

On high-value farmland a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.

In addition to the above, the use may be permitted on CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- L. Except on high-value farmland, private parks, playgrounds, hunting and fishing preserves and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in this paragraph “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

On high-value farmland existing facilities may be maintained, enhanced or expanded subject to other requirements of law.

In addition to the above, a campground may be permitted in CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

This use must also comply with Article 9.2 of the Ordinance. (OR 00-05-014PL)

- M. Parks, playgrounds or community centers owned and operated by a governmental agency of a nonprofit community organization and operated primarily by and for residents of the local rural community. (OR-00-05-014PL)

- N. \* Community center, grange, or lodge.

- O. Golf course. Except on high-value farmland, “golf course” means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A “golf course” for the purposes of ORS 215.283(2)(e) and this division means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

1. A regulation 18 hole **golf** course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
2. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

3. Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf course, par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
4. The County shall limit accessory uses provided as part of a golf course consistent with the following standards:
  - i. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shops; a practice or beginners course as a part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; housing.
  - ii. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

On high-value farmlands existing facilities may be maintained, enhanced or expanded, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements set forth above and Section 4.9.400 of this Ordinance, but shall not be expanded to contain more than 36 holes.
- P. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed this use. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed this use.

“Model Aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

- Q. Operations for the extraction and bottling of water.
- R. The propagation, cultivation, maintenance and harvesting of insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture of the United States Department of Agriculture. (OR-98-01-002PL 5-4-98)
- S. A living history museum related to resource based activities, owned and operated by a local governmental agency, or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone can not accommodate the museum and related activities, or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.

“Living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and

“Local historical society” means the local historical society recognized by the County governing body and organized under ORS Chapter 65. (OR 00-05-014PL).

**SECTION 4.9.400. Review Criteria for Conditional Uses in Section 4.9.300 and Section 4.9.350.** A use authorized by Section 4.9.300 and Section 4.9.350 may be allowed provided the following requirements are met. Uses may be approved only where such uses:

- A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- B. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

**SECTION 4.9.450. Additional Hearings Body Conditional Uses and Review Criteria.** The following uses and their accessory uses may be allowed as hearings body conditional uses in the “Exclusive Farm Use” zone and “Mixed

Use” overlay subject to the corresponding review standard and development requirements in Sections 4.9.600 and 4.9.700.

A. On other than high-value farmland, the following uses may be allowed but shall not be approved if within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.

1. Public or private schools, including all buildings essential to the operation of a school.

2. Churches and cemeteries in conjunction with churches.

On high-value farmland existing facilities may be maintained, enhanced or expanded, subject to other requirements of law.

B. Roads, highways and other transportation facilities, and improvements not otherwise allowed under the rule. Such uses may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply.

C. Utility facilities necessary for public service, except for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.

In CREMP EFU, this use is also subject to CREMP Policies 14, 18, 19, 22, 23, and 27.

D. \* Contaminated Soil Land farming where the activity is situated less than 1000 feet from any Rural-Residential zone or urban growth boundary. The activity must be found to be compatible with surrounding uses or made compatible through the imposition of conditions. Contaminated soil land farming is permitted without conditional use review provided the activity is situated not less than 1000 feet from any Rural-Residential zone or urban growth boundary.

This use may be allowed in CREMP EFU according to the same standards.

**SECTION 4.9.500. “Lot-of-Record” Dwelling.**

A. “Lot-of-record” dwelling on land not identified as high-value farmland. A single family dwelling may be allowed as an administrative conditional use if:

1. The lot or parcel on which the dwelling will be sited was, prior to January 1, 1985:
  - a. lawfully created; and
  - b. acquired by the present owner; or
  - c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this section “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.)

2. The tract on which the dwelling will be sited does not include a dwelling; and

(Tract means one or more contiguous lots or parcels in the same ownership.)

3. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
4. When the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and
5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures. More specifically, if the subject property is affected by an overlay zone (e.g., flood hazard environs areas, etc.), a “lot-of-record” dwelling may be sited only after satisfying the applicable provisions of the overlay zone; and
6. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when zoning approval for the dwelling is granted. The applicant shall provide evidence that the covenants,

conditions and restrictions form at Section 4.9.925 has been recorded with the deed records of the county; and

7. The lot or parcel on which the dwelling will be sited is not high-value farmland; and
8. The Assessor shall be notified of the intention to allow a dwelling.

In CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may also be applicable.

B. "Lot of Record" Dwelling on High-Value Farmland. A single-family dwelling may be allowed as an administrative conditional use on a tract composed predominantly of soils 2C, 5A, 5B, 17B, 25, 33, and 36C if:

1. The lot or parcel on which the dwelling will be sited was, prior to January 1, 1985:
  - a. lawfully created; and
  - b. acquired by the present owner; or
  - c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this section "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.)

2. The tract on which the dwelling will be sited does not include a dwelling; and

("Tract" means one or more contiguous lots or parcels in the same ownership.)

3. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
4. When the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which

the acknowledged Comprehensive Plan and land use regulations intended to protect the habitat are based; and

5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures. More specifically, if the subject property is affected by an overlay zone (e.g., flood hazard environs areas, etc.), a “lot-of-record” dwelling may be sited only after satisfying the applicable provisions of the overlay zone; and
6. The County must determine that:
  - a. the lot or parcel can not practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and
  - b. the dwelling will comply with the provisions of ORS 215.296(1); and
  - c. the dwelling will not materially alter the stability of the overall land use pattern in the area; and
7. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when zoning approval for the dwelling is allowed. The applicant shall provide evidence that the covenants, conditions and restrictions form at Section 4.9.925 has been recorded with the deed records of the county; and
8. The Assessor shall be notified of the intention to allow a dwelling.  
  
In CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may also be applicable.

C. "Lot-of-Record" Dwelling on High-Value Farmland in Conjunction with a Dairy. A single family dwelling may be allowed as an administrative conditional use on a tract used in conjunction with a dairy operation on January 1, 1993, and not composed predominately of a combination of soils 37C, 40 and 12 if:

1. The lot or parcel on which the dwelling will be sited was prior to January 1, 1985:
  - a. lawfully created; and

- b. acquired by the present owner; or
- c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this section "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, step-parent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.)

- 2. The tract on which the dwelling will be sited does not include a dwelling; and

("Tract" means one or more contiguous lots or parcels in the same ownership.)

- 3. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
- 4. When the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged Comprehensive Plan and land use regulations intended to protect the habitat are based; and
- 5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures. More specifically, if the subject property is affected by an overlay zone (e.g., flood hazard environs areas, etc.), a "lot-of-record" dwelling may be sited only after satisfying the applicable provisions of the overlay zone; and
- 6. The tract must be 21 acres or less in size; and
- 7. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
- 8. The tract is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of

the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; and

9. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when zoning approval for the dwelling is allowed. The applicant shall provide evidence that the covenants, conditions and restrictions form at Section 4.9.925 has been recorded with the deed records of the county.

10. The Assessor shall be notified of the intention to allow a dwelling.

In CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may also be applicable.

**SECTION 4.9.525. Farm-Related Dwellings on Land Not Identified as High-Value Farmland.** A dwelling customarily provided in conjunction with farm use may be allowed as an administrative conditional use subject to the following requirements and other applicable provisions of this Ordinance. In CREMP EFU CREMP Policies 14, 18, 19, 22, 23 and 27 may also be applicable.

- A. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
1. The parcel on which the dwelling will be located is at least 160 acres; and
  2. The subject tract is currently employed for farm use, as defined in ORS 215.203; and
  3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale; and
  4. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted in ORS 215.283 (1)(p).
- B. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
1. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area

which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and

2. The subject tract is currently employed for a farm use at a level capable of producing at least the medial level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in 1, above. Pursuant to OAR-660-33-135(1), LCDC is required annually to provide the County with a table of the estimated potential gross sales per acre for each assessor land class; and
3. The subject parcel on which the dwelling is proposed is at least 10 acres in size; and
4. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted by ORS 214.283(1)(p).

C. On land not identified as high-value farmland, a dwelling may be considered if customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use that produced \$40,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract.  
NOTE: \$40,000 satisfies OAR 660-33-135 (5) (a) (A).
2. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted by ORS 215.283 (1) (p).
3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in 1, above.

D. Seasonal farmworker housing may be allowed as defined in ORS 197.675 and ORS 197.685. For purposes of this rule, 9 months means 273 days within any calendar year.

E. A dwelling(s) on property used for farm use may be allowed when it is located on the same lot or parcel as the dwelling of the farm operator, and occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.

The farm operator must state in writing that the relative's assistance in the management of the farm is or will be required by the farm operator [ref.

ORS 215.283 (1) (e) (B)], and state how the farm operator will continue to have the predominate role in farm operations.

To qualify, a dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

The County imposes a condition on the subject lot or parcel prohibiting its division or partition upon establishment of the farm-help relative's dwelling on the lot or parcel.

- F. Additional farm dwellings may be considered customarily provided in conjunction with the farm use if:
1. The additional farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and
  2. The principal farm dwelling to which the proposed dwelling would be additional is located on a farm or ranch operation that is currently employed for farm use and produced in the last two years or three of the last five years the lower of the following:
    - a. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
    - b. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
  3. The additional dwelling shall be located:
    - a. On the same lot or parcel as the principal farm dwelling; or
    - b. On the same tract as the principal farm dwelling when the lot or parcel on which the additional dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

- c. On a lot or parcel on which the principal farm dwelling is not located, when the additional farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An additional farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reappraised under this Section; and
4. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested additional farm dwelling.
5. The County shall not approve any proposed division of a lot or parcel for an additional farm dwelling approved pursuant to this Section. If it is determined that an additional farm dwelling satisfies the requirements of Section 4.9.525, a parcel may be created consistent with the minimum parcel size requirements of the zoning district.
6. An additional farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a non-farm dwelling.

**SECTION 4.9.540 Farm-Related Dwellings on High-Value Farmland.** On land identified as high-value farmland, a dwelling, considered customarily provided in conjunction with farm use, may be allowed as an administrative conditional use subject to the following requirements and other applicable provisions of the Ordinance. In addition, in CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- A. On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
  1. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three out of the last five years. In determining the gross income required, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

NOTE: The \$80,000 standard is pursuant to OAR 660-33-135(6).

2. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted by ORS 215.283 (1) (p); and
  3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in 1, above.
- B. Seasonal farmworker housing may be allowed as defined in ORS 197.675 and ORS 197.685 conditional use. For purposes of this rule, 9 months means 273 days within any calendar year.
- C. A dwelling(s) on property used for farm use may be allowed when it is located on the same lot or parcel as the dwelling of the farm operator, and occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.

The farm operator must state in writing that the relative's assistance in the management of the farm is or will be required by the farm operator [ref. ORS 215.283 (1) (e) (B)], and state how the farm operator will continue to have the predominate role in farm operations.

To qualify, a dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.

The County imposes a condition on the subject lot or parcel prohibiting its division or partition upon establishment of the farm-help relative's dwelling on the lot or parcel.

- D. Additional farm dwellings may be considered customarily provided in conjunction with farm use if:
1. The additional dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the primary farm operator; and
  2. The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three out of the last five years; and

3. The additional dwelling shall be located:
  - a. On the same lot or parcel as the principal farm dwelling; or
  - b. On the same tract as the principal farm dwelling when the lot or parcel on which the additional dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
  - c. On a lot or parcel on which the principal farm dwelling is not located, when the additional farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An additional farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved under this Section; and
4. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested additional farm dwelling.
5. The County shall not approve any proposed division of a lot or parcel for an additional farm dwelling approved pursuant to this Section. If it is determined that an additional farm dwelling satisfies the requirements of Section 4.9.525, a parcel may be created consistent with the minimum parcel size requirements of the zoning district.
6. An additional farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a non-farm dwelling.

**SECTION 4.9.550 Non-Farm Dwellings.** A single-family residential dwelling, not provided in conjunction with farm use, may be allowed as a hearings body conditional use in the “Exclusive Farm Use” zone subject to the following requirements and other applicable provisions of this Ordinance. In addition, in CREMP EFU, CREMP Policies 14, 18, 19, 22, 23 and 27 may be applicable.

- A. The dwelling will be sited on a lot or parcel created before January 1, 1993; and

- B. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use; and
- C. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel.

A lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, it is not “generally unsuitable”. A lot or parcel is presumed to be suitable if it is composed predominately of Class I-IV soils.

Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the parcel is under forest assessment, the area is not “generally unsuitable” simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not “generally unsuitable”. If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year.

If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and

- D. The dwelling will not materially alter the stability of the overall land use pattern of the area. The cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered; and
- E. If the creation of a new parcel for the nonfarm dwelling is involved, the county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area; and

- F. The dwelling complies with such other conditions as considered necessary; and
- G. If a single-family dwelling is established on a lot or parcel as a “lot-of-record” dwelling or a dwelling in the forest zone, no additional dwelling may later be sited under this section.
- H. Coos County shall not grant final approval for a nonfarm dwelling without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at values for farm use under ORS 308.765, 321.352, 321.730 or 321.815 and any additional tax imposed as a result or disqualification has been paid. (OR-00-05-014PL)

The owner of a lot or parcel upon which the establishment of a dwelling has been tentatively approved as provided above shall have 60 days after the date of tentative approval of the nonfarm dwelling to request disqualification for special assessment of the lot or parcel from the County Assessor, pay any additional tax imposed and provide the Planning Department with proof that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment.

A lot or parcel that has been disqualified shall not requalify for special assessment unless, when combined with another contiguous parcel, constitutes a qualifying parcel.

**SECTION 4.9.600 Siting Standards for Dwellings and Structures in the EFU**

**Zone.** The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Exclusive Farm Use zone. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on agricultural lands.

These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for agricultural uses, and shall be considered together with the requirements in Section 4.9.700 to identify the building site.

- A. Dwellings and structures shall be sited on the parcel so that:
  - 1. They have the least impact on nearby or adjoining forest or agricultural lands; and
  - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and

3. The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized; and
4. the risks associated with wildfires are minimized.

**SECTION 4.9.700. Development Standards.** All dwellings and structures approved pursuant to Article 4.9 shall be sited in accordance with this Section.

- A. Minimum Lot Size: The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see Section 4.9.900 (C). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the standards in Articles 6.1 and 6.5 must be met. [OR96-06-007PL 9/4/96]

New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of Section 4.9.500 and Section 4.9.900 are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.

- B. Setbacks:

1. All building or structures with the exception of fences shall be setback a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
2. Firebreak: New or replacement dwellings on lots, parcels or tracts abutting the "Forest" zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions.

Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.

- C. Structure Height: No requirement.
- D. Lot Coverage: No requirement.
- E. Fences, Hedges and Walls: No requirement except for vision clearance provisions of Section 3.3.400 apply.

- F. Offstreet parking and Loading: See Chapter X.
- G. Minimum Road Frontage/Lot Width:
  - a. Within UGB's – 50 feet
  - b. Outside UGB's – 20 feet
- H. Access: Access to new dwellings shall meet road design standards in Chapter VII.
- I. Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]
- J. Riparian Vegetation Protection:
  - 1. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:
    - a. Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
    - b. Riparian vegetation may be removed to provide direct access for a water-dependent use; or
    - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
    - d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & water Conservation District, or USFS stream enhancement plan; or
    - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-way; or
    - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow

harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.

- g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint". (ORD 92-05-009PL)

**SECTION 4.9.900. Land Divisions.** The following standards, along with Articles 6.1 and 6.5, shall govern the development of new lots or parcels in the Exclusive Farm Use zone.

- A. For Nonfarm Uses: In addition to any findings for a proposed use, a proposed division of land to create a parcel for nonfarm use may be approved as an administrative conditional use if Coos County finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- B. For Farm Uses: For divisions of land for farm use, each proposed parcel must contain at least 80 acres. A conditional use is not required; however, the land division must meet the standards in Articles 6.1 and 6.5; or
- C. To allow the establishment of a parcel for a dwelling on land zoned Exclusive Farm Use the following requirements apply: (ORS 215.780)
  - 1. a dwelling existed on the parcel prior to June 1, 1995; and
  - 2. the parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - 3. the applicant shall provide evidence that a restriction on the remaining parcel not containing the dwelling has been recorded with the Coos County Clerk's office; the restriction shall be irrevocable and shall allow no dwelling to be sited on the remaining parcel; and
  - 4. evidence that a "Waiver of Right to Object" Farm Management Covenant ensuring the compatibility with the neighboring farm uses and practices is recorded at the Coos County Clerk's office; and

5. all land divisions must meet the standards of Articles 6.1 and 6.5 of the Coos County Zoning and Land Development Ordinance. (OR 00-05-014PL)
- D. Cemeteries: The minimum lot size of 80 acres shall not apply to the creation of cemetery lots if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
  - E. For Historic Dwellings: A division of land shall be permitted for the purpose of separating an existing dwelling which has been listed on the National Register of Historic Places and in a county inventory as historic property as defined in ORS 358.480.
  - F. Parcels Reserved for Park and Open Space Purposes: A land division may be allowed, subject to the approval of the County governing body, for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
    1. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
    2. A parcel created pursuant to this subsection that does not contain a dwelling:
      - a. is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
      - b. may not be considered in approving or denying an application for siting any other dwelling;
      - c. may not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
      - d. may not be smaller than 25 acres unless the purpose of the land division is to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 10,000 acres of open space or park property with Coos County. (OR-00-05-014PL)
    3. The owner of any parcel not containing a dwelling shall sign and record in the deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from

pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937. (ORS 215.265)

- G. To allow establishment of a church including cemeteries in conjunction with the church:
1. the church has been approved pursuant to Section 4.9.450 of this Ordinance;
  2. the newly created lot or parcel is not larger than five (5) acres; and
  3. the remaining lot or parcel, not including the church, meets the minimum lot or parcel size of 80 acres either by itself or after it is consolidated with another lot or parcel. (OR-00-05-014PL)

**SECTION 4.9.925**

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**Whereas**, the undersigned \_\_\_\_\_ ,  
hereinafter referred to as Declarant, is the owner in fee simple of the subject property described  
in Exhibit "A" attached hereto and incorporated by reference herein; and

**Whereas**, pursuant to Oregon law a "lot-of-record" dwelling has been authorized for  
property described in Exhibit "A"; and

**Whereas**, Oregon law requires that when a "lot-of-record is allowed for a lot or parcel  
that is contiguous with one or more other lots or parcels under the same ownership comprising a  
tract, then these contiguous lots and parcels shall be consolidated into a single lot or parcel at the  
time the dwelling is allowed; and

**Whereas**, Declarant desires to consolidate the subject property described in Exhibit "A"  
in order to effectuate and comply with the requirements of Oregon law and further desires to  
consent to the execution of this document prepared by the Coos County, Oregon, Planning  
Department.

**Now, therefore, Declarant hereby declares** that all of the property described in Exhibit  
"A" shall not be sold or conveyed separate and apart from any and all of the property described  
in Exhibit "A" in its entirety.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand  
this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ ,  
\_\_\_\_\_ by \_\_\_\_\_

Notary Public for \_\_\_\_\_

My Commission expires: \_\_\_\_\_