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QAR 660, DIVISION 6

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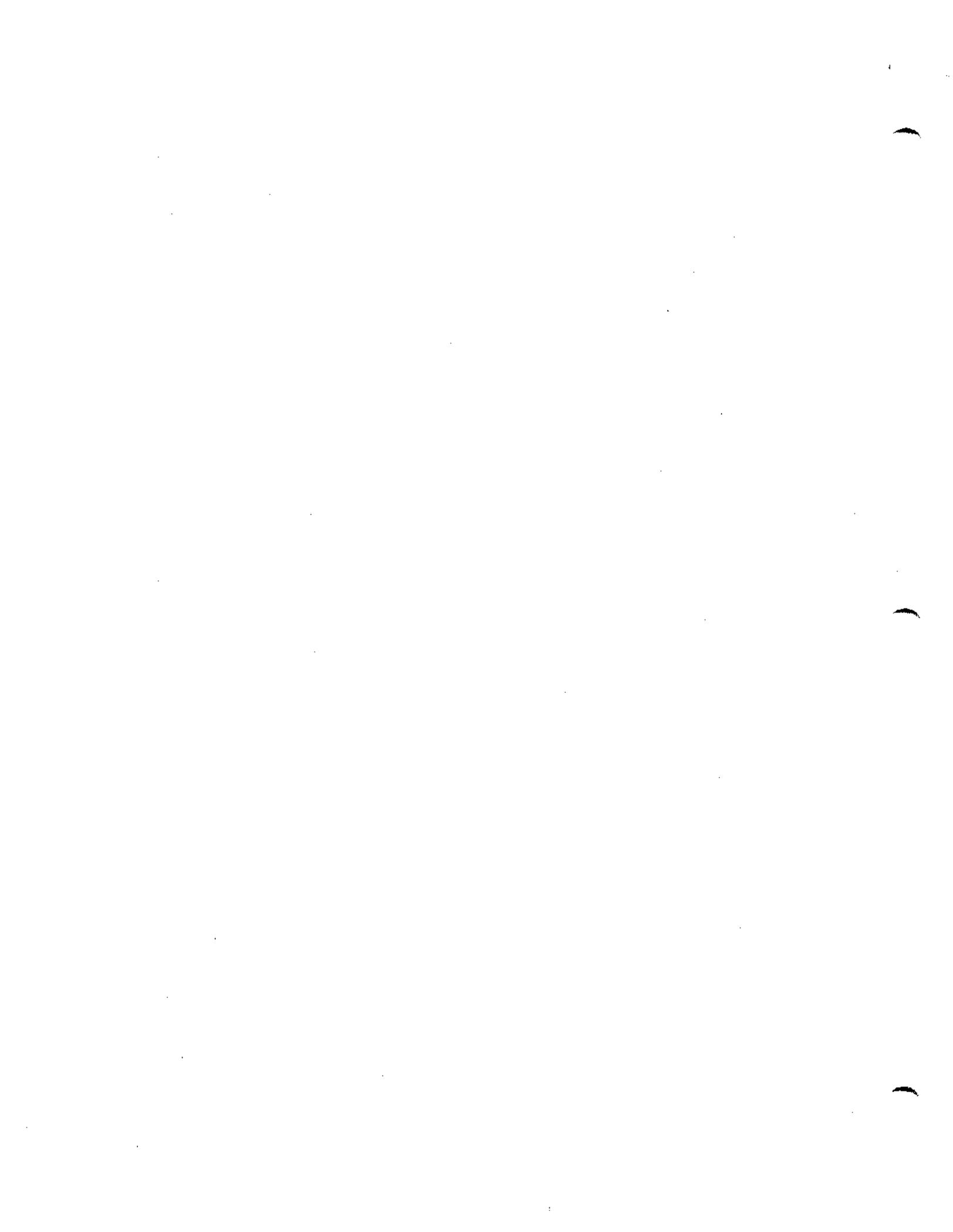
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## OAR 660, DIVISION 6

### Purpose

660-06-001 (1) The purpose of the Forest Lands Goal is to conserve forest lands.

(2) To accomplish the purpose of conserving forest lands, the governing body shall:

(a) Designate forest lands on the comprehensive plan map as forest lands consistent with Goal 4 and OAR 660, Division 6; and

(b) Zone forest lands for uses allowed pursuant to OAR 660, Division 6 on designated forest lands; and

(c) Adopt plan policies consistent with OAR 660, Division 6.

(3) This rule provides for a balance between the application of Goal 3 "Agricultural Lands" and Goal 4 "Forest Lands," because of the extent of lands that may be designated as either agricultural or forest land.

### Applicability

660-06-003 The following rule describes how and when requirements of the amended Forest Lands Goal and Rule apply to local government land use decisions. OAR 660, Division 6 applies to all forest lands as defined by Goal 4. Governing bodies shall comply with the requirements of OAR 660-06-004 within sixty (60) days of the effective date of this rule:

(1) Governing bodies shall comply with requirements of this amended goal and rules, in the following ways prior to the director terminating periodic review, the commission affirming the final periodic review order, or the court sustaining a commission order affirming the final periodic review order for issues covered by this amended goal and rules. Where a proposed periodic review order is submitted prior to the effective date of this amended goal and rules, the following provisions will not apply until three years from the effective date of this amended goal and rules (see OAR 660-06-003(4)):

(a) If a governing body amends a plan policy, then the requirements of the amended goal and rules shall apply.

(b) If the governing body amends a plan map, then the requirements of this amended goal and rules shall apply.

(c) If the governing body amends the background, inventory or other information in the plan, then it shall not be required to meet the requirements of this amended goal and rules but shall be required to meet the requirements of Goal 4 and Division 6 as existed prior to the adoption of these amendments.

(d) If the governing body amends its land use regulation, then the requirements of this amended goal and rules shall apply. A governing body may amend its regulations to authorize the nonforest uses permitted by OAR 660-06-025 and OAR 660-06-050 provided it simultaneously implements the provisions establishing standards for nonforest uses in OAR 660-06-029, OAR 660-06-035, and OAR 660-06-040. A governing body may amend its regulations to authorize the nonforest dwellings permitted by OAR 660-06-028 provided it simultaneously eliminates any other provisions in its comprehensive plan and land use regulations which permit nonforest dwellings under different standards, and simultaneously implements the provisions in OAR 660-06-027 governing forest dwellings. The requirements of OAR 660-06-003(1)(d) do not apply if a governing body is amending its land use regulation only to comply with the requirements of notice provided for in OAR 660-06-004.

(e) If the governing body amends a zone map for which no comprehensive plan change is required then it shall apply the requirements of the acknowledged comprehensive plan and land use regulations which apply to the action.

(f) If the governing body is making a decision under only acknowledged land use regulations, then it shall apply the requirements of that acknowledged land use regulation in place at the time the application for the decision is made. Independent application of the provisions of this amended goal or rules is not required.

(2) Governing bodies shall comply with requirements of this amended goal and rules in the following ways at the time it submits a final periodic review order, unless the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules. Where the local government has submitted a proposed periodic review order prior to the effective date of this amended goal and rules, the provisions of this amended goal and rules apply as outlined in section 4 below:

(a) The governing body shall amend its plan policies to conform to the requirements of this amended goal and rules.

(b) The governing body shall amend its plan map to conform to the requirements of this amended goal and rules.

(c) The governing body shall amend its plan background, inventory or other information in the plan to conform to the requirements of this amended goal and rules.

(d) The governing body shall amend its land use regulation to conform to the requirements of this amended goal and rules.

(e) The governing body shall amend its zone map to conform to the requirements of this amended goal and rules.

(f) Implementation decisions made by the governing body or its designate shall adhere to the acknowledged land use regulations in place at the time the application for the decision is made.

(3) Following termination of periodic review, a governing body shall apply the requirements of this amended goal and rules as outlined in ORS 197.835 (LUBA Scope of Review).

(4) Local governments that have submitted a proposed periodic review order prior to the effective date of this amended goal and rules must amend their comprehensive plan and land use regulations to comply with requirements of this amended goal and rules, within three years of the effective date of this rule.

(a) Local governments that do not complete the required comprehensive plan and land use regulation amendments before the expiration of the three-year period will be subject to the requirements of this amended goal and rules for all land use decisions as defined in ORS 197.015.

(b) After local governments have completed the required amendments to their comprehensive plan and land use regulations, and such amendments are acknowledged as provided in ORS 197.625, the provisions of this amended goal and rules shall apply in the same manner as other goals and rules apply to other land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

#### (5) Applicability Matrix

The following matrix is intended to supplement the above applicability section. It is intended as a general expression of legislative intent. Should confusion or conflicts arise over the meaning of the specific language of the rule, the rule shall take precedence over the matrix.

Type of Action	Before PR <sup>1</sup>	At <sub>2</sub> PR <sup>2</sup>	After PR <sup>3</sup>
1. Plan Policy Amendment	Y	Y	Y
2. Plan Map Amendment	Y	Y	Y
3. Background Information (Inventory)	N	Y	Y
4. Regulation (Code) Amendment	Y	Y	Y <sup>4</sup>
5. Zone Map Change	N	Y	N
6. Implementation decision under acknowledged Land Use Regulation (e.g., dwelling or division approval)	N	N	N

Y Provisions apply  
N Provisions do not apply

<sup>1</sup>Refer to OAR 660-06-003(1)

<sup>2</sup>Refer to OAR 660-06-003(2)

<sup>3</sup>Refer to OAR 660-06-003(3)

<sup>4</sup>Except as provided in ORS 197.835(5)(B)

(6) For jurisdictions not acknowledged as in compliance with Goal 4 at the time the amended Goal 4 is filed with the Secretary of State, unacknowledged provisions must comply with the amended section(s) of OAR 660, Division 6.

#### Notice of Decision in Forest Zones

660-06-004 Governing bodies shall provide the following types of notice:

(1) Notice of all applications for dwellings and land divisions in forest and agriculture/forest zones shall be provided to the Department of Land Conservation and Development and the Department of Forestry at their Salem and field offices. Notice shall be in accordance with the governing body's acknowledged comprehensive plan and land use regulations, and shall be mailed at least ten (10) calendar days prior to the hearing or decision being made.

(2) Notice of proposed actions described in OAR 660-06-004(1) shall be provided as required by procedures for notice contained in ORS 197.762, ORS 215.402 to ORS 215.438.

### Definitions

660-06-005 For the purpose of this rule, the following definitions apply:

(1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.

(2) Forest operation means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

(3) Governing body means a city council or county board of commissioners or county court or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

### Inventory

660-06-010 Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be inventoried under OAR 660-06-010. Outside urban growth boundaries, this inventory shall include a mapping of forest site class. If site information is not available then an equivalent method of determining forest land suitability must be used. Notwithstanding OAR 660-06-010, governing bodies are not required to reinventory forest lands if such an inventory was acknowledged previously by the Land Conservation and Development Commission.

### Plan Designation Outside an Urban Growth Boundary

660-06-015 (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR 660, Division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247, or the land is zoned with an Exclusive Farm Use

Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR 660, Division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will be applied.

(2) When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.

#### **Plan Designation Within an Urban Growth Boundary**

660-06-020 Goal 4 does not apply within urban growth boundaries and therefore, the designation of forest lands is not required.

#### **Uses Authorized in Forest Zones**

660-06-025 (1) Goal 4 requires that forest land be conserved. Forest lands are conserved by adopting and applying comprehensive plan provisions and zoning regulations consistent with the goal and this rule. In addition to forest practices and operations and uses auxiliary to forest practices, as set forth in ORS 527.722, the Commission has determined that five general types of uses, as set forth in the goal, may be allowed in the forest environment, subject to the standards in the goal and in this rule. These general types of uses are:

- (a) Uses related to and in support of forest operations;
- (b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;
- (c) Locationally dependent uses, such as communication towers, mineral and aggregate resources; etc.
- (d) Forest management dwellings as provided for in OAR 660-06-027; and
- (e) Other dwellings under prescribed conditions.

(2) The following uses pursuant to the Forest Practices Act (ORS Chapter 527) and Goal 4 shall be allowed in forest zones:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation;

(c) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(d) For the purposes of OAR 660-06-025(2) "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(3) The following uses may be allowed outright on forest lands:

(a) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources;

(b) Farm use as defined in ORS 215.203;

(c) Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups;

(d) Temporary portable facility for the primary processing of forest products;

(e) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(f) Private hunting and fishing operations without any lodging accommodations;

(g) Towers and fire stations for forest fire protection;

(h) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n);

(i) Water intake facilities, canals and distribution lines for farm irrigation and ponds;

(j) Caretaker residences for public parks and fish hatcheries;

(k) Uninhabitable structures accessory to fish and wildlife enhancement;

(l) Temporary forest labor camps;

(m) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head;

(n) Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8;

(o) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation;

(p) Maintenance, repair or replacement of existing dwellings.

(4) The following uses may be allowed on forest lands subject to the review standards in OAR 660-06-025(5):

(a) Permanent facility for the primary processing of forest products;

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

(d) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

(e) Parks and campgrounds. For the purpose of OAR 660-06-025 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 or recreational vehicle. Campgrounds authorized by OAR 660-06-025 shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

(f) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under OAR 660-06-025(3)(m) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

(g) Television, microwave and radio communication facilities and transmission towers;

(h) Fire stations for rural fire protection;

(i) Utility facilities for the purpose of generating five (5) megawatts or less of power;

(j) Aids to navigation and aviation;

(k) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

(l) Reservoirs and water impoundments;

(m) Firearms training facility;

(n) Cemeteries;

(o) Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:

(A) accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,

(B) only minor incidental and accessory retail sales are permitted,

(C) accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission,

(D) a governing body may impose other appropriate conditions, and

(p) New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width;

(q) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

(r) Home occupations as defined in ORS 215.448;

(s) A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The mobile home 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 the mobile home will use a public sanitary sewer system, such condition will not be required. Governing bodies every two years shall review the permit authorizing such mobile homes. When the hardships end, governing bodies or their designate shall require the removal of such mobile homes. Department of Environmental Quality review and removal requirements also apply to such mobile homes;

(t) Expansion of existing airports;

(u) Public road and highway projects as described in ORS 215.213(2)(q) through (s) and ORS 215.283(2)(p) through (r);

(v) Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-025(5), OAR 660-06-029, and OAR 660-06-035 and the following requirements:

(A) accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code,

(B) only minor incidental and accessory retail sales are permitted,

(C) accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission,

(D) accommodations must be located within 1/4 mile of fish bearing Class I waters,

(E) a governing body may impose other appropriate conditions, and

(w) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(5) A use authorized by OAR 660-06-025(4) may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(c) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-06-025(4)(e), (l), (r), (s) and (v).

(6) Nothing in OAR 660-06-025 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

#### **New Land Division Requirements in Forest Zones**

660-06-026 (1) Governing bodies may approve land divisions pursuant to acknowledged comprehensive plan provisions for authorizing new land divisions in forest zones pending the evaluation described below:

(a) An evaluation of acknowledged provisions that authorize new land divisions below 80 acres in forest zones shall be conducted by the governing body to determine whether the land division standards in the plan have worked to achieve compliance with the amended Goal 4. In conducting the evaluation, governing bodies shall provide findings based on substantial evidence that the acknowledged land division standards have worked to assure:

(A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and

(B) the opportunity for the continuous growing and harvesting of forest tree species, and

(C) the conservation of other values found on forest lands;

(b) The results of the evaluation must be completed and submitted to the department for review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.

(2) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 through the adoption of one or more of the following:

(a) An 80-acre minimum land division standard; or

(b) One or more numeric minimum land division standards less than 80 acres provided that the numeric minimum land division size(s) is large enough to assure:

(A) the opportunity for economically efficient forest and agriculture practices typically occurring in the area, and

(B) the opportunity for the continuous growing and harvesting of forest tree species, and

(C) the conservation of other values found on forest lands.

(3) New land divisions less than the parcel size in OAR 660-06-026(1) and (2) may be approved only for the uses listed in OAR 660-06-025(3)(m) through (o) and OAR 660-06-025(4)(a) through (n) provided that such uses have been approved pursuant to OAR 660-06-025(5).

(4) Notwithstanding OAR 660-06-026(1) and OAR 660-06-026(2), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:

(a) The new parcel containing the dwelling is no larger than 5 acres; and

(b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

## Forest Management Dwellings in Forest Zones

660-06-027 (1) Forest management dwellings may be allowed in forest zones provided the governing body makes findings based on substantial evidence that the requirements of OAR 660-06-027 are met. For the purpose of OAR 660-06-027, necessary for and accessory to are defined as:

(a) "Necessary for" means the dwelling is required for effective and efficient management of the forest land to be managed by the resident(s) of the dwelling;

(b) "Accessory to" means that the dwelling is incidental and subordinate to the main forest use.

(2) The governing body shall determine whether the dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based at a minimum on the following information provided by the applicant. The applicant shall provide information necessary to complete the form attached in Appendix A of this rule or its equivalent regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

(a) The information describing the productivity and current condition of the forest land to be managed is complete and accurate; and

(b) Fulfillment of the forest management plan will result in use of the parcel for the required management purpose in terms of stocking, stand density, and harvest; and

(c) The siting and safety standards in OAR 660-06-029 and OAR 660-06-035 have been adequately addressed.

(3) There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling on the forest operation.

(4) The property qualifies for and is enrolled in one of Oregon's forest tax programs.

(5) The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.

(6) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(7) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Eastern (OAR 629-24-402), Northwest (OAR 629-24-502), or Southern (OAR 629-24-602) Regions which ever is applicable, at the time authorization for a permanent dwelling is requested. If the lands to be managed do not meet these stocking and survival requirements, the governing body may approve a temporary dwelling subject to the following requirements:

(a) The prospective resident(s) shall agree in writing to remove the temporary dwelling and any accessory structures within 60 days of the governing body's determination pursuant to OAR 660-06-027(7) that the property has not met the stocking and survival requirements within five years of the date the temporary dwelling was approved;

(b) The prospective resident(s) shall agree in writing to pay all costs associated with the removal of the dwelling and any accessory structures by the governing body if the prospective resident(s) fails to comply with OAR 660-06-027(7)(a). This written agreement with the governing body shall include either a performance bond, cash deposit, irrevocable letter of credit, promissory note, written contract or other similar form of security equal to costs determined by the governing body needed to remove totally the temporary dwelling and accessory structures from the parcel and any additional costs for legal proceedings;

(c) The governing body shall determine whether the prospective resident(s) has complied with OAR 660-06-027(7)(a) within 60 days of the end of the time period prescribed in OAR 660-06-027(7)(a). If the prospective resident(s) has not complied with such requirements, the governing body shall secure the removal of the dwelling unless an extension is granted. An extension of not more than two (2) years may be granted if the governing body has substantial evidence on which the finding can be made that, due to natural disaster or illness, completion of the requirements in OAR 660-06-027(7)(a) was not possible;

(d) The governing body shall enforce the terms of this agreement if the prospective resident(s) fails to meet the stocking and survival requirements of OAR 660-06-027(7)(a) for the lands to be managed within five years unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted under OAR 660-06-027(7)(c);

(e) When the governing body has determined that the prospective resident(s) has complied with the requirements of OAR 660-06-027(7)(a), the temporary dwelling may be replaced by a permanently constructed dwelling.

(8) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(9) An application for a forest management dwelling is not complete for the purpose of requiring a governing body to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1) is submitted to the governing body.

(10) It is the responsibility of the governing body to make the final determination that the requirements of OAR 660-06-027 have been met.

(11) Nothing in OAR 660-06-027 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

#### **Dwellings Not Related to Forest Management**

**660-06-028** The Commission has determined that circumstances may exist under which a dwelling not related to forest management may be allowed under prescribed conditions. Governing bodies may allow dwellings not related to forest management subject to the following standards:

(1) The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted farming or forest practices on agriculture or forest lands; and

(2) The parcel of the proposed dwelling is located within a rural fire protection district or the proposed resident has contracted for residential fire protection; and

(3) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules; and

(4) The dwelling meets the standards in OAR 660-06-029 and OAR 660-06-035; and

(5) The parcel on which the dwelling would be located was lawfully created prior to adoption of OAR 660-06-028; and

(6) The parcel on which the dwelling would be located has been disqualified from receiving a farm or forest tax deferral; and

(7) The parcel satisfies one of the following:

(a) In western Oregon, the parcel is composed primarily of soils which are:

(A) capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of 3 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or

(B) capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or

(C) capable of above 85 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel; or

(b) In eastern Oregon, the parcel is composed primarily of soils which are:

(A) capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of 7 other parcels exist within a 160-acre square when centered on the center of the subject parcel, or

(B) capable of above 50 cf/ac/yr and where this parcel and at least all or part of 11 other parcels exist within a 160-acre square when centered on the center of the subject parcel.

(8) Parcels within urban growth boundaries shall not be counted to satisfy the eligibility requirements under OAR 660-06-028(7).

(9) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

(10) Nothing in OAR 660-06-028 relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing ordinances such as the requirements addressing other resource values (e.g., Goal 5) which exist on forest lands.

(11) Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands.

#### **Siting Standards for Dwellings and Structures in Forest Zones**

**660-06-029** The following siting standards or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall weigh the standards in OAR 660-06-029 together with the requirements in OAR 660-06-035 to identify the building site.

(1) Dwellings and structures shall be sited on the parcel so that:

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

(b) The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

(d) The risks associated with wildfire are minimized.

(2) Siting standards satisfying subsection OAR 660-06-029(1) 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 growing trees.

(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

#### **Fire Siting Standards for Dwellings and Structures**

**660-06-035** The following fire siting standards or their equivalent shall apply to new dwelling or structures in a forest or agriculture/forest zone:

(1) If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

(3) The owners of the dwellings and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area; and maintain adequate access to the dwelling for fire fighting equipment vehicles in accordance with the provisions in "Protecting Your Home from Wildfire," (National Fire Protection Association).

#### **Fire Safety Design Standards for Roads**

**660-06-040** The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads,

bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

#### **Uses Authorized in Agriculture/Forest Zones**

**660-06-050** (1) Governing bodies may establish agriculture/forest zones in accordance with Goals 3 and 4, and OAR 660, Division 6.

(2) Uses authorized in Exclusive Farm Use Zones in ORS 215.213 and ORS 215.283, whichever is applicable, and in OAR 660-06-025, OAR 660-06-027 and OAR 660-06-028, subject to the requirements of the applicable section, may be allowed in any agriculture/forest zone.

(3) Notwithstanding OAR 660-06-050(2), nonfarm dwellings authorized under OAR 215.213(3) or ORS 215.283(3) may be allowed on land not receiving special tax assessments under ORS 321.730 or ORS 321.815 three (3) out of the last five (5) years.

(4) Dwellings and related structures authorized under OAR 660-06-050(2) and (3) in agriculture/forest zones may be allowed subject to the requirements of OAR 660-06-029 and OAR 660-06-035.

#### **New Land Division Requirements in Agriculture/Forest Zones**

**660-06-055** A governing body shall apply the following standards to new land divisions in agriculture/forest zones. These standards are designed: to make new land divisions compatible with forest operations; to maintain the opportunity for economically efficient forest and agriculture practices; and to conserve values found on forest lands:

(1) New land divisions may be allowed for certain nonfarm or certain other uses pursuant to ORS 215.263(3) and (4) and OAR 660-06-026(3); and

(2) New land divisions may be allowed for agriculture/forest practices pursuant to the minimum land division standards established in acknowledged

agriculture/forest zones pending an evaluation described in OAR 660-06-026(1). Governing bodies shall submit the findings from the evaluation to the department for their review prior to the time the governing body is obligated to be in compliance with OAR 660, Division 6.

(3) Where the commission or department determines that acknowledged land division standards do not comply with the amended Goal 4, the governing body shall amend their land division standards to be consistent with the amended Goal 4 and the requirements of OAR 660-06-026(2).

(4) Notwithstanding OAR 660-06-055(2) and OAR 660-06-055(3), the minimum land division standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:

(a) The new parcel containing the dwelling is no larger than 5 acres; and

(b) The remaining forest parcel, not containing the dwelling, meets the minimum land division standards of the zone; or

(c) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of the zone.

#### **Rezoning Land to an Agriculture/Forest Zone**

660-06-057 Any rezoning of lands from an acknowledged zone to an agriculture/forest zone requires a demonstration that each parcel within the area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

#### **Regulation of Forest Operations**

660-06-060 The Forest Practices Act (ORS 527.620 to ORS 527.990) as implemented through State Board of Forestry rules (OAR 629-24-101 to OAR 629-24-648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in ORS 527.722 to ORS 527.726. OAR 660-06-025 does not authorize county governing bodies to regulate forest operations or other uses allowed by ORS 527.620 to ORS 527.990 and OAR 629-24-101 to OAR 629-24-648.

MJR/sp  
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