

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 6

GOAL 4 FOREST LANDS

As amended by LCDC March 21, 2008

NOTE: No amendments to this division other than rules listed below

1 **660-006-0005**

2 **Definitions**

3 For the purpose of this division, the following definitions apply:

4
5 (1) Definitions contained in ORS 197.015 and the Statewide Planning Goals.

6
7 (2) "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of
8 wood fiber per acre for fully stocked stands at the culmination of mean annual increment as
9 reported by the USDA Natural Resource Conservation Service (NRCS) **soil survey information,**
10 **USDA Forest Service plant association guides, Oregon Department of Revenue western**
11 **Oregon site class maps, or other information determined by the State Forester to be of**
12 **comparable quality.** Where **such** [NRCS] data are not available or are shown to be inaccurate,
13 an alternative method for determining productivity may be used. An alternative method must
14 provide equivalent data **as explained in the Oregon Department of Forestry's Technical Bulletin**
15 **entitled "Land Use Planning Notes Number 3 dated April 1998"** and be approved by the **Oregon**
16 Department of Forestry.

17
18 (3) "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot
19 volume of wood fiber per tract for fully stocked stands at the culmination of mean annual
20 increment as reported by the USDA Natural Resource Conservation Service (**NRCS**) **soil survey**
21 **information, USDA Forest Service plant association guides, Oregon Department of**
22 **Revenue western Oregon site class maps, or other information determined by the State**
23 **Forester to be of comparable quality.** Where **such** [NRCS] data are not available or are shown
24 to be inaccurate, an alternative method for determining productivity may be used. An alternative
25 method must provide equivalent data **as explained in the Oregon Department of Forestry's**
26 **Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998"** and be
27 approved by the **Oregon** Department of Forestry.

28
29 (4) "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant
30 to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract
31 for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
32 Reconfigured means any change in the boundary of the lot, parcel, or tract.

33
34 (5) "Eastern Oregon" means that portion of the state lying east of a line beginning at the
35 intersection of the northern boundary of the State of Oregon and the western boundary of Wasco
36 County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes
37 and Klamath to the southern boundary of the State of Oregon.

38

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

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

7
8 (8) "Western Oregon" means that portion of the state lying west of a line beginning at the
9 intersection of the northern boundary of the State of Oregon and the western boundary of Wasco
10 County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes
11 and Klamath to the southern boundary of the State of Oregon.

12
13 (9) "Lot" shall have the meaning set forth in ORS 92.010 and "parcel" shall have the
14 meaning set forth ORS 215.010.

15
16 Stat. Auth.: ORS [~~183,~~]197.040, ORS 197.230 & ORS 197.245
17 Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700,
18 ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792, 1993 OL
19 Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992,
20 f. & cert. ef. 12-10-92; LCDC 1-1994, f. & cert. ef. 3-1-94; LCDD 2-1998, f. & cert.
21 ef. 6-1-98; LCDD 5-2000, f. & cert. ef. 4-24-00

22
23
24 **660-006-0010**

25 **Inventory**

26 Governing bodies shall include an inventory of "forest lands" as defined by Goal 4 in the
27 comprehensive plan. Lands inventoried as Goal 3 agricultural lands or lands for which an
28 exception to Goal 4 is justified pursuant to ORS 197.732 and taken are not required to be
29 inventoried under this rule. Outside urban growth boundaries, this inventory shall include a
30 mapping of average annual wood production capability by cubic foot per acre (cf/ac) [~~forest~~
31 ~~site class~~]. If site information is not available then an equivalent method of determining forest
32 land suitability must be used. Notwithstanding this rule, governing bodies are not required to
33 reinventory forest lands if such an inventory was acknowledged previously by the Land
34 Conservation and Development Commission.

35
36 Stat. Auth.: [~~ORS 183 &~~]ORS 197,**040**
37 Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700,
38 ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780 & Ch. 792,
39 1993 OL
40 Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90

41
42 **660-006-0026**

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

44 (1) Governing bodies shall legislatively amend their land division standards to
45 incorporate one or more of the following parcel sizes. Under these provisions, a governing body
46 may not determine minimum parcel sizes for forest land on a case-by-case basis:

- 1 (a) An 80-acre or larger minimum parcel size; or
2
- 3 (b) One or more numeric minimum parcel sizes less than 80 acres provided that each
4 parcel size is large enough to ensure:
- 5 (A) The opportunity for economically efficient forest operations typically occurring in the
6 area; ~~and~~
- 7 (B) The opportunity for the continuous growing and harvesting of forest tree species;
8 ~~and~~
- 9 (C) The conservation of other values found on forest lands as described in Goal 4; **and**
10 (D) That parcel ~~meet~~**meets** the requirements of ORS 527.630.
- 11
- 12 (2) New land divisions less than the parcel size in section (1) of this rule may be
13 approved for any of the following circumstances:
- 14
- 15 (a) For the uses listed in OAR 660-060-0025(3)(m) through (o) and (4)(a) through (o)
16 provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the parcel
17 created from the division is the minimum size necessary for the use.
- 18
- 19 (b) For the establishment of a parcel for a dwelling on land zoned for forest use, subject
20 to the following requirements:
- 21
- 22 (A) The parcel established shall not be larger than five acres, except as necessary to
23 recognize physical factors such as roads or streams, in which case the parcel shall not be larger
24 than 10 acres;
- 25
- 26 (B) The dwelling existed prior to June 1, 1995;
- 27
- 28 (C)(i) The remaining parcel, not containing the dwelling, meets the minimum land division
29 standards of the zone; or
- 30 (ii) The remaining parcel, not containing the dwelling, is consolidated with another
31 parcel, and together the parcels meet the minimum land division standards of the zone.
- 32 (D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless
33 subsequently authorized by law or goal.
- 34
- 35 (c) To allow a division of forest land to facilitate a forest practice as defined in
36 ORS 527.620 that results in a parcel that does not meet the minimum area requirements of
37 subsection (1)(a) or (b). Approvals shall be based on findings which demonstrate that there are
38 unique property specific characteristics present in the proposed parcel that require an amount of
39 land smaller than the minimum area requirements of subsections (1)(a) or (b) of this rule in order
40 to conduct the forest practice. Parcels created pursuant to this subsection:
- 41
- 42 (A) Shall not be eligible for siting of new dwelling;
- 43 (B) Shall not serve as the justification for the siting of a future dwelling on other lots or
44 parcels;
- 45
- 46 (C) Shall not result in a parcel of less than 35 acres, except:

1 (i) Where the purpose of the land division is to facilitate an exchange of lands involving
2 a governmental agency; or

3 (ii) Where the purpose of the land division is to allow transactions in which at least one
4 participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
5

6 (D) If associated with the creation of a parcel where a dwelling is involved, shall not
7 result in a parcel less than the minimum lot or parcel size of the zone or the minimum size
8 required for dwellings approved under OAR 660-006-0027(1)(e).
9

10 (d) To allow the division of a lot or parcel as provided for by OAR 660-006-0055(2)(d),
11 (3), (4) and (6).
12

13 **(e) To allow a proposed division of land as provided in ORS 215.783.**
14

15 (3)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this section
16 shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has
17 been recorded with the county clerk of the county where the property is located. The restriction
18 shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as
19 permitted under subsection (2) of this section.
20

21 (b) A restriction imposed under this subsection shall be irrevocable unless a statement of
22 release is signed by the county planning director of the county where the property is located
23 indicating that the comprehensive plan or land use regulations applicable to the property have
24 been changed in such a manner that the parcel is no longer subject to statewide planning goals
25 pertaining to agricultural land or forest land.
26

27 (c) The county planning director shall maintain a record of parcels that do not qualify for
28 the siting of a new dwelling under restrictions imposed by this subsection. The record shall be
29 readily available to the public.
30

31 (4) A landowner allowed a land division under ~~[sub]~~section (2) of this ~~[section-]~~**rule** shall
32 sign a statement that shall be recorded with the county clerk of the county in which the property
33 is located, declaring that the landowner will not in the future complain about accepted farming or
34 forest practices on nearby lands devoted to farm or forest use.
35

36 Stat. Auth.: [~~ORS 183,~~]ORS 197.040, ORS 197.230 & ORS 197.245

37 Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.700,

38 ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750, ORS 215.780, **ORS**

39 **215.783** & Ch. 792, 1993 OL

40 Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7 1992, f. & cert. ef. 12-10-92; LCDC 1-
41 1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 2-1998, f. &
42 cert. ef. 6-1-98; LCDD 1-2002, f. & cert. ef. 5-22-02
43

1 **660-006-0055**

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

3 (1) A governing body shall apply the standards of OAR 660-006-0026 and 660-033-0100
4 to determine the proper minimum lot or parcel size for a mixed agriculture/forest zone. These
5 standards are designed: To make new land divisions compatible with forest operations; to
6 maintain the opportunity for economically efficient forest and agriculture practices; and to
7 conserve values found on forest lands.

8
9 (2) New land divisions less than the parcel size established according to the requirements
10 in section (1) of this rule may be approved for any of the following circumstances:

11
12 (a) For the uses listed in OAR 660-006-0025(3)(m) through (o) and (4)(a) through (n)
13 provided that such uses have been approved pursuant to OAR 660-060-0025(5) and the land
14 division created is the minimum size necessary for the use.

15
16 (b) For the establishment of a parcel for a dwelling on land zoned for mixed farm and
17 forest use, subject to the following requirements:

18
19 (A) The parcel established shall not be larger than five acres, except as necessary to
20 recognize physical factors such as roads or streams, in which case the parcel shall not be larger
21 than 10 acres;

22
23 (B) The dwelling existed prior to June 1, 1995;

24
25 (C)(i) The remaining parcel, not containing the dwelling, meets the minimum land division
26 standards of the zone; or

27 (ii) The remaining parcel, not containing the dwelling, is consolidated with another
28 parcel, and together the parcels meet the minimum land division standards of the zone;

29
30 (D) The remaining parcel, not containing the dwelling, is not entitled to a dwelling unless
31 subsequently authorized by law or goal.

32
33 (E) The minimum tract eligible under ~~[paragraph]~~subsection (b) of this ~~[sub]~~section is
34 40 acres.

35
36 (F) The tract shall be predominantly in forest use and that portion in forest use qualified
37 for special assessment under a program under ORS chapter 321.

38
39 (G) The remainder of the tract shall not qualify for any uses allowed under ORS 215.213
40 and 215.283 that are not allowed on forestland.

41
42 (c) To allow a division of forestland to facilitate a forest practice as defined in
43 ORS 527.620 that results in a parcel that does not meet the minimum area requirements of
44 ~~[sub]~~section (1). Parcels created pursuant to this subsection:

45
46 (A) Shall not be eligible for siting of new dwelling;

1
2 (B) Shall not serve as the justification for the siting of a future dwelling on other lots or
3 parcels;

4
5 (C) Shall not result in a parcel of less than 35 acres, except:

6 (i) Where the purpose of the land division is to facilitate an exchange of lands involving
7 a governmental agency; or

8 (ii) Where the purpose of the land division is to allow transactions in which at least one
9 participant is a person with a cumulative ownership of at least 2,000 acres of forestland; and

10
11 (D) If associated with the creation of a parcel where a dwelling is involved, shall not
12 result in a parcel less than the minimum lot or parcel size of the zone.

13
14 (d) A division of a lot or parcel zoned for mixed farm forest may be allowed if:

15 (A) At least two dwellings lawfully existed on the lot or parcel prior to November 4,
16 1993;

17 (B) Each dwelling complies with the criteria for a replacement dwelling under ORS
18 215.213(1)(u) or 215.283(1)(t);

19 (C) Except for one lot or parcel, each lot or parcel created under this ~~sub~~section is
20 between two and five acres in size;

21 (D) At least one dwelling is located on each lot or parcel created under this ~~sub~~section;
22 and

23 (E) The landowner of a lot or parcel created under this ~~sub~~section provides evidence
24 that a restriction prohibiting the landowner and the land owner's successors in interest from
25 further dividing the lot or parcel has been recorded with the county clerk of the county in which
26 the lot or parcel is located. A restriction imposed under this ~~sub~~section shall be irrevocable
27 unless a statement of release is signed by the county planning director of the county in which the
28 lot or parcel is located indicating that the comprehensive plan or land use regulations applicable
29 to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide
30 goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a
31 change in statewide goal 4 (Forest Land);

32
33 **(e) To allow a proposed division of land as provided in ORS 215.783; [and]**

34
35 (3) A county planning director shall maintain a record of lots and parcels that do not
36 qualify for division under the restrictions imposed by OAR 660-006-0055(2)(d) and (4). The
37 record shall be readily available to the public.

38
39 (4) A lot or parcel may not be divided under OAR 660-006-0055(2)(d) if an existing
40 dwelling on the lot or parcel was approved under:

41
42 (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015
43 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel;
44 or

1 (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and
2 forest use zone under statewide goal 4 (Forest Lands).

3
4 (5)(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this rule
5 shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has
6 been recorded with the county clerk of the county where the property is located. The restriction
7 shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as
8 permitted under section (2) of this rule.

9
10 (b) A restriction imposed under this ~~[sub]~~section shall be irrevocable unless a statement
11 of release is signed by the county planning director of the county where the property is located
12 indicating that the comprehensive plan or land use regulations applicable to the property have
13 been changed in such a manner that the parcel is no longer subject to statewide planning goals
14 pertaining to agricultural land or forestland.

15
16 (c) The county planning director shall maintain a record of parcels that do not qualify for
17 the siting of a new dwelling under restrictions imposed by this ~~[sub]~~section. The record shall be
18 readily available to the public.

19
20 (6) A landowner allowed a land division under section (2) of this rule shall sign a
21 statement that shall be recorded with the county clerk of the county in which the property is
22 located, declaring that the landowner and the landowner's successors in interest will not in the
23 future complain about accepted farming or forest practices on nearby lands devoted to farm or
24 forest use.

25
26 Stat. Auth.: [~~ORS 183,~~]ORS 197.040, ORS 197.230 & ORS 197.245

27 Stats. Implemented: ORS 197.040, ORS 197.230, ORS 197.245, ORS 215.213. ORS
28 215.283. ORS 215.700, ORS 215.705, ORS 215.720, ORS 215.740, ORS 215.750,
29 ORS 215.780, **ORS 215.783** & Ch. 792, 1993 OL

30 Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92; LCDC 1-
31 1994, f. & cert. ef. 3-1-94; LCDC 3-1996, f. & cert. ef. 12-23-96; LCDD 1-2002, f. & cert.
32 ef. 5-22-02