

# FOREST MODEL ZONE – EASTERN COUNTIES

## ARTICLE/CHAPTER X FOREST

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### X.01 Purpose

*In most cases, the purpose statements for resource zones echo the statewide planning goals: Goal 3 language (preserve and maintain agricultural lands) and Goal 4 (conserve forest lands). In addition to reflecting the state-articulated objectives for EFU and forest lands and applicable comprehensive plan designations or policies, zone purpose statements can be tailored to a jurisdiction’s individual resource zone, especially where there is more than one EFU or forest zone in the code or where a mixed farm/forest zone is designated. Local resource zone purpose statements can reflect community-specific values and highlight the jurisdiction’s commitment to protecting land features and economies specific to that zone. Purpose statements are not generally applicable as an approval criterion for discretionary reviews. However, there have been challenges to county decisions where it was argued that consistency with the purpose statement was a requirement.*

*The purpose of the Forest (F) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish*

*and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.*

*The F zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the F zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.*

## **X.02 Definitions**

*Notes: The following definitions are specific to a Forest zone. Definitions may be provided in a subsection in the Forest zoning chapter, as shown here, or may be incorporated into the existing definitions section of the county zoning ordinance. When including a definition in a general definitions section, care should be taken to ensure that the definition is accurate for every occurrence of that term in the adopted ordinance.*

*Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.*

For the purpose of this ordinance, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- A. Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- B. **Auxiliary:** As used in X.03B and C, means a use or alteration of a structure or land that 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 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.
- C. **Accessory Structure:** *A detached structure, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot or parcel as the primary structure or use, and for which the owner files a restrictive covenant in the deed records of the county agreeing that the accessory structure will not be used as a residence or rental unit.*
- D. **Agricultural building:** *Any structure that is considered to be an "agricultural building" under the as defined in ORS 215.278 on a lot or parcel that is enrolled in a farm or forest deferral program with the County Assessor and for which the owner 1) submits a signed floor plan showing that only farm- or forest-related uses will occupy the building space and 2) files a restrictive covenant in the deed records of the county agreeing that the agricultural building will not be used as a residence or rental unit.*

- E. Campground: An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
- F. *Commercial power generating facility: A facility for the production of energy and its related or supporting facilities that:*
- (1) *Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;*
  - (2) *Is intended to provide energy for sale; and*
  - (3) *Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.*
- G. Commercial Tree Species: Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715.
- H. Cubic Foot Per Acre: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.
- I. Cubic Foot Per Tract Per Year: The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.
- J. Date of Creation and Existence: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
- K. Forest Lands: as defined in Goal 4, are those lands acknowledged as forest lands, or, in the case of a plan amendment. Forest lands shall include:
- (1) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and

- (2) Other forested land that maintain soil, air, water, and fish and wildlife resources.
- L. Forest Operation: Any commercial activity relating to the growing or harvesting or any forest tree species as defined in ORS 527.620(6).
- M. *Home Occupation: A limited business activity that is accessory to a residential use. Home occupations are conducted primarily within a residence or a building normally associated with uses permitted in the zone in which the property is located and are operated by a resident or employee of a resident of the property on which the business is located.*
- N. *Irrigated: Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.*
- O. *Medical Hardship: "Medical hardship" means a temporary circumstance caused by serious illness or infirmity, authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).*
- P. Mining, aggregate: This use includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include 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, on-site road construction or other on-site construction or nonsurface impacts of underground mines.
- Q. *Net Metering Power Facility: A facility for the production of energy that:*
- (1) *Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;*
- (2) *Is intended to offset part of the customer-generator's requirements for energy;*

- (3) *Will operate in parallel with a utility's existing transmission and distribution facilities;*
- (4) *Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;*
- (5) *Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.*

R. *Non-Commercial/Stand Alone Power Generating Facility: A facility for the production of energy that:*

- (1) *Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;*
- (2) *Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;*
- (3) *Operates as a standalone power generator not connected to a utility grid; and*
- (4) *Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.*

S. *Open play field: A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ball fields, golf courses or courts for racquet sports.*

T. *Outdoor Mass Gathering: A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 [more than 500] persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).*

*Counties may define outdoor mass gatherings to include smaller gatherings, or gatherings of shorter duration, than what is provided in ORS 433.735 so that health and safety standards can be applied. Counties should review existing health and safety*

*requirements to ensure that there are adequate measures to mitigate noise, odors or other nuisances and ensure public safety (access/egress, sanitary, fire, etc.).*

- U. Preparation: As it applies to the definition of “Farm use” in ORS 215.203, preparation includes but is not limited to the cleaning, treatment, sorting or packaging of farm products or by-products.
- V. Primary processing of forest products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
- W. *Private Park: Land that is used for low impact, casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.*
- X. Public Park: A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance.
- Y. Storage Structures for Emergency Supplies: Structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- Z. *Structure: Anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels, food stands and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.*
- AA. Tract: One or more contiguous lots or parcels in the same ownership as provided in ORS 215.010(2).
- BB. *Temporary Structure or Use: A non-permanent structure, or one used for a limited time, or a use or activity that is of a limited duration.*

- CC. Youth Camp: A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.
- DD. Yurt: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

### **X.03 Non-Residential Uses Permitted**

In the Forest zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance:

- 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 on-site structures that 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. *Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.*
- E. *Farm use as defined in ORS 215.203.*
- F. *Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.*
- G. *Temporary portable facility for the primary processing of forest products.*
- H. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- I. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- J. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

- K. 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.
- L. *Exploration for mineral and aggregate resources as defined in ORS chapter 517.*
- M. *Private hunting and fishing operations without any lodging accommodations.*
- N. *Towers and fire stations for forest fire protection.*
- O. *Water intake facilities, canals and distribution lines for farm irrigation and ponds.*
- P. Uninhabitable structures accessory to fish and wildlife enhancement.
- Q. *Temporary forest labor camps.*
- R. *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.*
- S. *An outdoor mass gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735.*
- T. *An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.*

#### **X.04 Non-Residential Uses Permitted Subject to Standards**

In the Forest zone, the following non-residential uses and activities and their accessory buildings and uses are permitted subject to county review and the specific standards for the use set forth as noted below, as well as the general standards for the zone *[and any other applicable siting and design standards and review process in the zoning ordinance]*:

- A. *Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.*
- B. Youth camps subject to Section X.11.
- C. *Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.*

### **X.05 Permitted Residential Uses Subject to Standards**

In the Forest zone, the following residential uses and their accessory buildings and uses are permitted subject to county review and the specific standards for the use set forth as noted below, as well as the general standards for the zone *[and any other applicable siting and design standards and review process in the zoning ordinance]*:

- A. *Caretaker residences for public parks and public fish hatcheries subject to Subsection X.07.N.*
- B. *A large tract forest dwelling subject to Subsection X.07.A and X.07.N.*
- C. *An ownership of record dwelling subject to Subsections X.07.B and X.07.N.*
- D. *A template dwelling subject to Subsection X.07.C and X.07.N.*
- E. *Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections X.07.D and X.07.N.*

### **X.06 Conditional Uses**

In the Forest zone, the following uses and their accessory buildings and uses are permitted subject to county review, any specific standards for the use set forth in Section X.07, the conditional use review criteria in Section X.08 and the general standards for the zone *[and any other applicable standards and review process in the zoning ordinance]*:

- A. *Log scaling and weigh stations.*
- B. *Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.*
- C. *A manufactured dwelling or recreational vehicle, 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 subject to Subsection X.07.E and Section X.08.*
- D. *Parking of up to seven dump trucks and seven trailers.*
- E. *Home occupations subject to Subsection X.07.F.*
- F. *Permanent facility for the primary processing of forest products subject to X.07O.*
- G. *Permanent logging equipment repair and storage.*
- H. *Private seasonal accommodations for fee hunting operations subject to Subsections X.07.(5), X.09 and X.10.*

- I. *Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsections X.07.H, X.09 and X.10.*
- J. *Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection X.03.O (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.*
- K. *Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.*
- L. *Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.*
- M. *Expansion of existing airports.*
- N. *Television, microwave and radio communication facilities and transmission towers.*
- O. *New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.*
- P. *Water intake facilities, related treatment facilities, pumping stations, and distribution lines.*
- Q. *Reservoirs and water impoundments.*
- R. *Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.*
- S. *Commercial utility facilities for the purpose of generating power subject to Subsection X.07.I.*
- T. *Aids to navigation and aviation.*
- U. *Firearms training facility as provided in ORS 197.770(2).*
- V. *Fire stations for rural fire protection.*
- W. *Cemeteries.*
- X. *Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones subject to Subsection X.07.K.*
- Y. *Public parks subject to Subsection X.07.L.*

Z. *Private parks and campgrounds subject to Subsection X.07.M.*

*Case law: OAR 660-006-0025(1)(b) requires recreational uses in forest zones to be "appropriate in a forest environment." This has been interpreted to mean that low-intensity recreational uses are allowable. (Utsey v. Coos County, 38 Or LUBA 516 (2000)).*

## **X.07 Use Standards**

### **Residential Uses**

- A. A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
- (1) The tract is at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to paragraph (3) for all tracts that are used to meet the acreage requirements of this subsection.
  - (2) A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
  - (3) Where one or more lots or parcels are required to meet minimum acreage requirements:
    - (a) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
    - (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

*Notes: Enforcement of the covenants, conditions and restrictions may be undertaken by the department or by the county or counties where the property subject to the covenants, conditions and restrictions is located.*

*The failure to follow the requirements of this subsection shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this subsection.*

*The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this subsection and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this*

*subsection. The map or other record required by this subsection shall be readily available to the public in the county planning office.*

B. Lot of record dwelling

- (1) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (4):
  - (a) Since prior to January 1, 1985; or
  - (b) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
- (2) The tract on which the dwelling will be sited does not include a dwelling;
- (3) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
- (4) For purposes of this subsection, "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, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
- (5) The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
  - (a) A United States Bureau of Land Management road; or
  - (b) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
- (6) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; 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 shall be consolidated into a single lot or parcel when the dwelling is allowed.

C. A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(1) Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:

(a) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(b) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(2) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(a) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(b) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(3) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(b) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

(4) Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.

(5) A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.

(6) Except as provided by paragraph (7), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

- (7) The following applies where a tract 60 acres or larger abuts a road or perennial stream.
- (a) The measurement shall be made in accordance with paragraph (6). However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
    - (i) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
    - (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.
  - (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (8) A proposed “template” dwelling under this ordinance is not allowed:
- (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
  - (b) Unless it complies with the requirements of Sections X.09 and X.10;
  - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph X.07A(3) for the other lots or parcels that make up the tract are met; or
  - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (9) Where other lots or parcels that make up a tract in Subsection (8):
- (a) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
  - (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- D. Alteration, restoration or replacement of a lawfully established dwelling, where Subsections (1) or (2) apply:

- (1) Alteration or restoration of a lawfully established dwelling that:
  - (a) Has intact exterior walls and roof structures;
  - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - (c) Has interior wiring for interior lights; and
  - (d) Has a heating system.
- (2) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

E. A temporary hardship dwelling is subject to the following:

- (1) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
  - (a) The manufactured 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 the manufactured home will use a public sanitary sewer system, such condition will not be required;
  - (b) The county shall review the permit authorizing such manufactured homes every two years; and
  - (c) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle 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.
- (2) A temporary residence approved under this section is not eligible for replacement under Subsection X.05.E. Department of Environmental Quality review and removal requirements also apply.
- (3) As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

### **Commercial Uses**

F. A home occupation:

- (1) Shall be operated by a resident or employee of a resident of the property on which the business is located;
- (2) Shall employ on the site no more than five full-time or part-time persons at any given time;
- (3) Shall be operated substantially in:
  - (a) The dwelling; or
  - (b) Other buildings normally associated with uses permitted in the zone in which the property is located, *except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless that are legal residences*; and
- (4) Shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

*“Substantially” is not defined in Rule. Counties may wish to limit the size of a home occupation (e.g. “not to exceed” a specific percentage of the gross floor area or a square foot limit, whichever is less, of the dwelling/buildings on site). Counties may also define and categorize home occupations by their impacts (e.g., size, number of customers/visitors, number of employees, outdoor storage etc.) and assign appropriate corresponding review procedures.*

*Most counties include home occupations under conditional use or special use requirements that are applicable in all zones. Jurisdictions typically regulate the size, number of non-resident employees, number of customers/visitors, parking, outdoor storage/displays, signage, impacts to adjacent uses, and the types of activities permitted in association with home occupations. Included below is model language that contains typical home occupation requirements, but ones that are not necessarily specific to resource zones. In updating resource zones, counties should review model code language or, if applicable, review adopted requirements, for applicability to home occupation uses currently found in the county’s resource zones. For example, general home occupation requirements intended to minimize “detrimental” impacts may discourage home occupation uses that the county would otherwise like to permit in resource zones.*

- (5) *The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.*
- (6) *No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.*

(7) *All off-street parking must be provided on the subject parcel where the home occupation is operated.*

(a) *Employees must use an approved off-street parking area.*

(b) *Customers visiting the home occupation must use an approved off-street parking area. No more than [2-5] vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.*

*Home occupation signs may be prohibited entirely or may be allowed with restrictions. If allowed, it will need to be determined if sign requirements should be included in this section, or if existing requirements addressing signs elsewhere in the code are sufficient, or need to be amended, to address home occupations in resource zones. Below is an example of the Jackson County sign requirement for home occupations in resource zones.*

(8) *[One (1) or more] signs, up to a total of [32 square feet in area], are permitted.*

(9) *Retail sales shall be limited or accessory to a service. [Alternative: Activity may be listed under prohibited home occupations.]*

(10) *Prohibited Home Occupations*

(a) *Retail sale of a product on the premises. [Alternative: "Retail sales or professional services, other than by appointment only."]*

(b) *Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).*

*Home occupations in farm or forest zones may only be permitted through a conditional use permit. Where the commercial use operates in a manner that is indistinguishable from the residential use of a dwelling, counties may wish to permit these uses outright. Below is an example of criteria that can be used to allow an "in-home commercial activity" through a ministerial, or Type I, permit application.*

(11) *Permitting.*

(a) *Home occupations shall be subject to a conditional use permit process, pursuant to [local ordinance citation], unless all of the requirements of (b) can be met.*

(b) *An in-home commercial activity is not considered a home occupation and does not require a land use permit where all of the following criteria can be met. The in-home activity:*

(i) *Meets the criteria under X.07F(3) (4) (6) and (7)*

- (ii) Is conducted within a dwelling only by residents of the dwelling.*
- (iii) Does not occupy more than [25 percent] of the combined floor area of the dwelling including attached garage and one accessory structure.*
- (iv) Does not serve clients or customers on-site.*
- (v) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage.*
- (vi) Does not include the outside storage of materials, equipment or products.*

G. Private seasonal accommodations for fee hunting operations are subject to the following requirements:

- (1) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
- (2) Only minor incidental and accessory retail sales are permitted; and
- (3) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

*Note: A county may impose other appropriate conditions.*

H. Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:

- (1) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
- (2) Only minor incidental and accessory retail sales are permitted;
- (3) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
- (4) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.

*Note: A county may impose other appropriate conditions.*

### **Utility, Power Generation, Solid Waste Uses**

- I. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.

- J. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section X.08 and shall comply with the following requirements.*
- (1) The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.*
  - (2) The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.*
  - (3) The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.*
  - (4) The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:*
    - (a) The area surrounding the facility is kept free from litter and debris.*
    - (b) Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.*
    - (c) If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within [30 feet] of structures.*
  - (5) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.*
  - (6) Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.*
  - (7) Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.*
  - (8) Hours of operation for the facility shall be limited to [8 am – 7 pm].*
  - (9) Comply with other conditions deemed necessary.*

### **Public and Quasi-public Uses**

- K. Storage structures for emergency supplies are subject to the following requirements:
- (1) Areas within an urban growth boundary cannot reasonably accommodate the structures;
  - (2) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI) or the local jurisdiction;
  - (3) Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;
  - (4) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
  - (5) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
  - (6) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.
- L. Public parks may include:
- (1) All uses allowed under Statewide Planning Goal 4;
  - (2) The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
    - (a) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
    - (b) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
    - (c) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
    - (d) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;

- (e) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
  - (f) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
  - (g) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
  - (h) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
- (3) Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- (a) Meeting halls not exceeding 2000 square feet of floor area;
  - (b) Dining halls (not restaurants).

M. Private Campgrounds and Campsites.

- (1) Campgrounds in private parks may be permitted, subject to the following:
- (a) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.
  - (b) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
  - (c) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

- (d) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
- (2) Campsites within campgrounds meeting the requirement of X.07M(1) and permitted pursuant to Section X.08 must comply with the following:
  - (a) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to X.07M(2)(c).
  - (b) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.
  - (c) 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.
- N. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- O. Permanent facility for the primary processing of forest products that is:
  - (1) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or
  - (2) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or
  - (3) Located in a combination of indoor and outdoor areas described in Subsections (1) and (2); and
  - (4) Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

### **X.08 Conditional Use Review Criteria**

A use authorized by Section X.06 of this zone 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.
- C. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that 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 660-006-0025 Subsection 5(c).
- D. *The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:*
  - (1) *The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;*
  - (2) *The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;*
  - (3) *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;*
  - (4) *The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and*
  - (5) *The use is or can be made compatible with existing uses and other allowable uses in the area.*

*Note: Subsection A. and B. are State requirements. Additional criteria are included under D. for counties that don't otherwise have adopted conditional use review criteria.*

### **X.09 Siting Standards for Dwellings and Structures in Forest Zones**

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section X.10 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;

- (2) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - (3) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  - (4) The risks associated with wildfire are minimized.
- B. Siting criteria satisfying Subsection A 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.
- C. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
- (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - (2) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- D. As a condition of approval, 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 U.S. Bureau of Land Management, or the U.S. 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.
- E. Approval of a dwelling shall be subject to the following requirements:
- (1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
  - (2) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

(3) Stocking survey report:

- (a) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
  - (b) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
- (4) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

### **X.10 Fire-Siting Standards for Dwellings and Structures**

The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest zone:

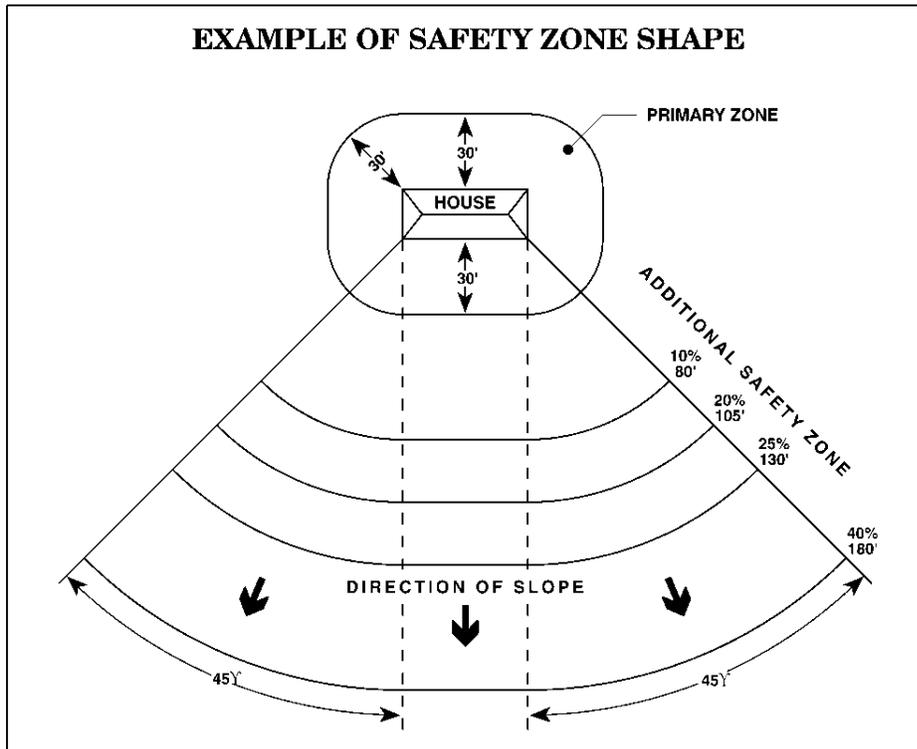
- A. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:
  - (1) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
  - (2) If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;

- (3) The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
  - (4) Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- B. Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.
  - C. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry *[and shall demonstrate compliance with Table X.1]*.

TABLE X.1 Minimum Primary Safety Zone

| <i>Slope</i> | <i>Feet of Primary Safety Zone</i> | <i>Feet of Additional Primary Safety Zone Down Slope</i> |
|--------------|------------------------------------|--|
| 0%           | 30                                 | 0  |
| 10%          | 30                                 | 50   |
| 20%          | 30                                 | 75   |
| 25%          | 30                                 | 100  |
| 40%          | 30                                 | 150  |

Figure X-1



- D. The dwelling shall have a fire retardant roof.
- E. The dwelling shall not be sited on a slope of greater than 40 percent.
- F. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

### X.11 Youth Camps

- A. The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.
- B. Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.
- C. An application for a proposed youth camp shall comply with the following:

- (1) The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph X.11D(2) a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
- (2) The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph X.11C(1).
- (3) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
- (4) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- (5) A campground as described in Subsection X.07M shall not be established in conjunction with a youth camp.
- (6) A youth camp shall not be allowed in conjunction with an existing golf course.
- (7) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

D. The youth camp shall be located on a lawful parcel that is:

- (1) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 80 acres.
- (2) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
  - (a) The proposed setback will prevent conflicts with commercial resource management practices;

- (b) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
  - (c) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
- (3) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.
- E. A youth camp may provide for the following facilities:
- (1) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
  - (2) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
  - (3) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
  - (4) Up to three camp activity buildings, not including primary cooking and eating facilities.
  - (5) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
  - (6) Covered areas that are not fully enclosed.
  - (7) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

(8) An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

(9) A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.

F. A proposed youth camp shall comply with the following fire safety requirements:

(1) The fire siting standards in Section X.10;

(2) A fire safety protection plan shall be developed for each youth camp that includes the following:

(a) Fire prevention measures;

(b) On site pre-suppression and suppression measures; and

(c) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(3) Except as determined under paragraph (4), a youth camp's on-site fire suppression capability shall at least include:

(a) A 1000 gallon mobile water supply that can access all areas of the camp;

(b) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;

(c) A sufficient number of fire-fighting hand tools; and

(d) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(4) An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.

(5) The provisions of paragraph (4) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

- G. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

*NOTE: Nothing in this section relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) that exist on forest lands.*

*The provisions of this section shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3) commencing October 12, 2000. A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this section, or to ensure compliance with any standards or criteria.*

## **X.12 Land Divisions**

- A. The minimum parcel size for new forest parcels is 80 (eighty) acres.
- B. New land divisions less than the parcel size in Subsection A may be approved for any of the following circumstances:

*Note: All partitions from paragraphs X.12B(1) and X.12B(2) below must result in a remaining parcel that meets the minimum parcel size of the zone. The reduction in size of an already substandard-sized parcel violates ORS 215.780. Phillips v.s Polk County, 53 Or LUBA 194 (2007)*

- (1) For the uses listed in the following subsections provided that such uses have been approved pursuant to section X.08 and the parcel created from the division is the minimum size necessary for the use.
- (a) X.03R. 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.
- (b) X.04A. Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.
- (c) X.06A. Log scaling and weigh stations
- (d) X.06F. Permanent facility for the primary processing of forest products subject to X.07O.

- (e) X.06G. Permanent logging equipment repair and storage.
- (f) X.06J. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection X.03.O (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) X.06N. Television, microwave and radio communication facilities and transmission towers.
- (h) X.06P. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (i) X.06Q. Reservoirs and water impoundments.
- (j) X.06R. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- (k) X.06S. Commercial utility facilities for the purpose of generating power subject to Subsection X.07.I.
- (l) X.06T. Aids to navigation and aviation.
- (m) X.06U. Firearms training facility as provided in ORS 197.770(2).
- (n) X.06V. Fire stations for rural fire protection.
- (o) X.06W. Cemeteries.
- (p) X.06Y. Public parks subject to Subsection X.07.L.
- (q) X.06Z. Private parks and campgrounds subject to Subsection X.07.M.

*For jurisdictions applying the use table:*

*Land divisions may be approved for the following uses in Table 1 provided that the parcel created from the division is the minimum size necessary for the use:*

- 1 *Exploration for and production of geothermal, gas, oil and other associated hydrocarbons*
- 2 *Disposal site for solid waste*
- 3 *Destination resorts*
- 4 *Log scaling and weigh stations*
- 5 *Permanent facility for the primary processing of forest products.*
- 6 *Permanent logging equipment repair and storage.*
- 7 *Mining and processing of oil, gas, or other subsurface resources*

- 8 *Television, microwave and radio communication facilities and transmission towers.*
- 9 *Water intake facilities, related treatment facilities, pumping stations, and distribution lines.*
- 10 *Cemeteries.*
- 11 *Public parks*
- 12 *Private parks and campgrounds*
- 13 *Fire stations for rural fire protection*
- 14 *Commercial power generating facilities*
- 15 *Aids to navigation and aviation*
- 16 *Reservoirs and water impoundments*
- 17 *Firearms training facility*

- (2) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
  - (a) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and
  - (b) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
    - (i) Meets the minimum land division standards of the zone; or
    - (ii) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.
  
- (3) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection A. Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection A in order to conduct the forest practice. Parcels created pursuant to this paragraph:
  - (a) Are not eligible for siting of a new dwelling;
  - (b) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - (c) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
  - (d) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
    - (i) Facilitate an exchange of lands involving a governmental agency; or

- (ii) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
- (4) To allow a division of a lot or parcel zoned for forest use if:
- (a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - (b) Each dwelling complies with the criteria for a replacement dwelling under paragraph X.07D(1);
  - (c) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
  - (d) At least one dwelling is located on each parcel created under this paragraph; and
  - (e) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
- (5) To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.

*Note: A county shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by Subsections B(4) and D. The record shall be available to the public.*

- C. A lot or parcel may not be divided under paragraph X.12B(4) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- D. Restrictions

- (1) An applicant for the creation of a parcel pursuant to paragraph X.12B(2) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection B.
- (2) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

*Note: A county shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.*

- E. A landowner allowed a land division under Subsection B shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.
- G. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:
  - (1) If the parcel contains a dwelling, it must be large enough to support continued residential use.
  - (2) If the parcel does not contain a dwelling:
    - (a) It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - (b) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and

- (c) The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

### **X.13 Development Standards**

*All dwellings and structures approved pursuant to Article [Chapter] X shall be sited in accordance with this Section.*

- A. *Lot Size Standards. Lot size shall be consistent with the requirements of Section X.12.*

*Many counties require a 30'-35' setback from a road right-of-way, as measured either from the centerline of the road or highway, or from the property line. Counties may choose to have the same standards for farm and forest zones, or to increase setbacks for structures in forest zones. Note that additional fire-siting standards apply.*

*Some counties also regulate minimum lot width and minimum lot depth*

- B. *Setbacks.*

*(1) Front Yard: All buildings or structures with the exception of fences shall be setback a minimum of [30 - 50 feet] from the property line.*

*(2) Rear Yard: [10 - 30 feet]*

*(3) Side Yard: [5 - 30 feet]*

*Counties may choose to limit height on all structures in their forest zones, or may regulate only the height of dwellings. Shown below is an example of requirements for both residential and non-residential structures. If applicable, references to additional county height requirements, such as those related to Federal Aviation Administration's Aviation Regulations and telecommunication facilities, should be included in this section.*

- C. *Height.*

*(1) Dwellings shall not exceed a height of [30 - 45] feet.*

*(2) Non-residential structures shall not exceed a height of [30 -100] feet.*

### **X.14 Use Table [Note: Alternative to use lists]**

Table of Permitted Uses

Table 1 sets forth the uses allowed subject to Type 1, 2, or 3 approval procedures in the forest districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 1, 2, or, 3 review, unless otherwise specified on Table 1. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this ordinance

As used in Table 1:

- A. "A" means the use is allowed.
- B. "STS" means the use is permitted subject to standards. *[This may be refined depending on a county's review procedures]*
- C. "C" means the use is a Conditional Use, subject to Section X.08 and other listed criteria.
- D. The "Subject To" column identifies any specific provisions of Section X.07 to which the use is subject *[and other local requirements]*.
- E. "X" means the use is not allowed.
- F. "NA" means not applicable.
- G. "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance.
- H. Type 1 uses *[Ministerial Review]* are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this ordinance. Type 1 permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment.
- I. Type 2 uses *[Administrative Review]* involve permits for which the application of review criteria requires the exercise of limited discretion. These decisions require a notice of decision and opportunity for appeal and public hearing.
- J. Type 3 uses require a public hearing. Decisions are made by the hearings officer or planning commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria but implement established policy. Uses that require a Type 3 Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.

Table 1. Permitted Uses

| <b>Table 1: Use Table for Forest Zones</b>  |          |                      |                |
|---|----------|----------------------|----------------|
| <b>1 = Type 1 2 = Type 2 3 = Type 3</b><br><b>P = Permitted Outright X = Prohibited</b><br><b>C = Conditional Use STS – Subject to standards</b>  |          |                      |                |
| Use   | Use Type | Local Procedure Type | Subject to     |
| Forest, Farm and Natural Resource Uses  |          |                      |                |
| 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.  | A        | P                    |                |
| Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.  | A        | P or 1               |                |
| 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. | A        | P or 1               |                |
| <i>Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.</i>  | A        | P or 1               |                |
| <i>Farm use as defined in ORS 215.203.</i>  | A        | P                    |                |
| <i>Uninhabitable structures accessory to fish and wildlife enhancement.</i>   | A        | P                    |                |
| <i>Agricultural building</i>  | A        | 1                    |                |
| <i>Log scaling and weigh stations.</i>  | C        | 2                    | X.08           |
| <i>Forest management research and experimentation facilities as defined by ORS 526.215.</i>   | C        | 2                    | X.08           |
| Residential Uses  |          |                      |                |
| <i>Caretaker residences for public parks and public fish hatcheries.</i>  | A        | 2                    | X.07N          |
| Large tract forest dwelling   | STS      | 2                    | X.07A<br>X.07N |
| Lot of record dwelling  | STS      | 2                    | X.07B<br>X.07N |
| Template dwelling.  | STS      | 2                    | X.07C<br>X.07N |
| <i>Alteration, restoration or replacement of a lawfully established dwelling.</i>   | STS      | 1 or 2               | X.07D<br>X.07N |
| <i>Temporary hardship dwelling</i>  | C        | 2                    | X.07E<br>X.08  |
| Commercial Uses   |          |                      |                |
| <i>Temporary portable facility for the primary processing of forest products.</i>   | A        | 1                    |                |

| <b>Table 1: Use Table for Forest Zones</b>   |                 |                             |                   |
|--|-----------------|-----------------------------|-------------------|
| <b>1 = Type 1 2 = Type 2 3 = Type 3</b>  |                 |                             |                   |
| <b>P = Permitted Outright X = Prohibited</b>   |                 |                             |                   |
| <b>C = Conditional Use STS – Subject to standards</b>  |                 |                             |                   |
| <b>Use</b>   | <b>Use Type</b> | <b>Local Procedure Type</b> | <b>Subject to</b> |
| <i>Temporary forest labor camps.</i>   | A               | 1                           |                   |
| <i>Private hunting and fishing operations without any lodging accommodations.</i>  | A               | 1                           |                   |
| <i>Destination resort. [This use should only be listed in counties that have completed mapping of lands for destination resorts as provided in Goal 8 and ORS 197.435-197.467.]</i>  | STS             | 3                           | X.04A             |
| <i>Parking of up to seven dump trucks and trailers.</i>  | C               | 2                           | X.08              |
| <i>Home occupations.</i>   | C               | 2                           | X.07F<br>X.08     |
| <i>Permanent facility for the primary processing of forest products.</i>   | C               | 2                           | X.07O<br>X.08     |
| <i>Permanent logging equipment repair and storage.</i>   | C               | 2                           | X.08              |
| <i>Private seasonal accommodations for fee hunting operations.</i>   | C               | 2                           | X.07G<br>X.08     |
| <i>Private accommodations for fishing occupied on a temporary basis.</i>   | C               | 2                           | X.07H<br>X.08     |
| <b>Mineral, Aggregate, Oil and Gas Uses</b>  |                 |                             |                   |
| <i>Exploration for mineral and aggregate resources as defined in ORS chapter 517.</i>  | A               | 1                           |                   |
| <i>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.</i>   | A               | 1, 2 if includes production |                   |
| <i>Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted (e.g. compressors, separators and storage servicing multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517.</i>  | C               | 3                           | X.08              |
| <i>Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.</i>   | C               | 2                           | X.08              |
| <b>Transportation Uses</b>   |                 |                             |                   |
| <i>Climbing and passing lanes within the right of way existing as of July 1, 1987.</i>   | A               | 1                           |                   |
| <i>Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.</i> | A               | 1                           |                   |

| <b>Table 1: Use Table for Forest Zones</b>  |                 |                             |                   |
|---|-----------------|-----------------------------|-------------------|
| <b>1 = Type 1 2 = Type 2 3 = Type 3</b><br><b>P = Permitted Outright X = Prohibited</b><br><b>C = Conditional Use STS – Subject to standards</b>  |                 |                             |                   |
| <b>Use</b>  | <b>Use Type</b> | <b>Local Procedure Type</b> | <b>Subject to</b> |
| Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.  | A               | 1                           |                   |
| 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. | A               | 1                           |                   |
| Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.  | C               | 2 or 3                      | X.08              |
| <i>Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.</i>   | C               | 2                           | X.08              |
| <i>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.</i>  | C               | 2                           | X.08              |
| <i>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>  | C               | 2                           | X.08              |
| <i>Expansion of existing airports.*</i>   | C               | 3                           | X.08              |
| <b>Utility, Power Generation, Solid Waste Uses</b>  |                 |                             |                   |
| <i>Local distribution lines (e.g. electric, telephone, natural gas) &amp; accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.</i>                             | A               | 1                           |                   |
| <i>Water intake facilities, canals and distribution lines for farm irrigation and ponds.</i>  | A               | 1                           |                   |
| <i>Television, microwave and radio communication facilities and transmission towers.</i>  | C               | 2                           | X.08              |
| <i>New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.</i>  | C               | 3                           | X.08              |
| <i>Water intake facilities, related treatment facilities, pumping stations and distribution lines.</i>  | C               | 2                           | X.08              |
| <i>Reservoirs and water impoundments.</i>   | C               | 2                           | X.08              |

| <b>Table 1: Use Table for Forest Zones</b>   |                 |                             |                   |
|--|-----------------|-----------------------------|-------------------|
| <b>1 = Type 1 2 = Type 2 3 = Type 3</b>  |                 |                             |                   |
| <b>P = Permitted Outright X = Prohibited</b>   |                 |                             |                   |
| <b>C = Conditional Use STS – Subject to standards</b>  |                 |                             |                   |
| <b>Use</b>   | <b>Use Type</b> | <b>Local Procedure Type</b> | <b>Subject to</b> |
| <i>Disposal site for solid waste approved by the governing body and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.</i> | C               | 3                           | X.07J<br>X.08     |
| <i>Commercial utility facilities for the purpose of generating power.</i>  | C               | 3                           | X.07I<br>X.08     |
| <b>Public and Quasi-public Uses</b>  |                 |                             |                   |
| <i>Towers and fire stations for forest fire protection</i>   | A               | 1                           |                   |
| <i>Youth camps</i>   | STS             | 2                           | X.11              |
| <i>Aids to navigation and aviation</i>   | C               | 2                           | X.08              |
| <i>Firearms training facility as provided in ORS 197.770(2).</i>   | C               | 2                           | X.08              |
| <i>Fire stations for rural fire protection.</i>  | C               | 2                           | X.08              |
| <i>Cemeteries.</i>   | C               | 2                           | X.08              |
| <i>Storage structures for emergency supplies.</i>  | C               | 2                           | X.07K<br>X.08     |
| <i>Public parks.</i>   | C               | 3                           | X.07L<br>X.08     |
| <i>Private parks and campgrounds.</i>  | C               | 3                           | X.07M<br>X.08     |
| <b>Outdoor Gatherings</b>  |                 |                             |                   |
| <i>An outdoor mass gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735..</i>  | A               | 1                           |                   |
| <i>Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.</i>                                      | STS             | 3                           |                   |

\* This use should only be listed if the use already exists in the county