

DIVISION 6

GOAL 4 FOREST LANDS

Purpose

660-06-000 (1) The purpose of the Forest Lands Goal is to conserve forest lands.

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

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

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

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

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

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90

Applicability

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

(1) Governing bodies shall amend their comprehensive plan and land use regulations to comply with requirements of this amended goal and rules, at the time of periodic review or by February 5, 1994, whichever occurs first.

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

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

(4) If the governing body amends the background, inventory or other information in the plan, then it shall not be required to meet the requirements of this amended goal and rules but shall be required to meet the requirements of Goal 4 and OAR Chapter 660, Division 6 as existed prior to the adoption of these amendments.

(5) If the governing body amends its land use regulation, then the requirements of this amended goal and rules shall apply. A governing body may amend its regulations to authorize the nonforest uses permitted by OAR 660-06-025 and 660-06-050 provided it simultaneously implements the provisions establishing standards for nonforest uses in OAR 660-06-029, 660-06-035, and 660-06-040. A governing body may amend its regulations to authorize the nonforest dwellings permitted by OAR 660-06-028 provided it simultaneously eliminates any other provisions in its comprehensive plan and land use regulations which permit nonforest dwellings under different standards, and simultaneously implements the provisions in OAR 660-06-027 governing forest dwellings. The

requirements of this subsection do not apply if a governing body is amending its land use regulation only to comply with the requirements of notice provided for in OAR 660-06-004.

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

(7) If the governing body is making a decision under only acknowledged land use regulations, then it shall apply the requirements of that acknowledged land use regulation in place at the time the application for the decision is made, except for decisions related to the provisions of OAR 660-06-028. Effective January 3, 1993, the governing body shall apply the provisions of OAR 660-06-028 to the approval of nonforest dwellings until land use regulations are updated to incorporate the criteria of OAR 660-06-028 and such updated land use regulations are acknowledged.

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

Stat. Auth.: ORS Ch. 183, 197 & 216

Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Notice of Decision in Forest Zones

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

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

(2) Notice of proposed actions described in section (1) of this rule shall be provided as required by procedures for notice contained in ORS 197.762 and 215.402 to 215.438.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90

Definitions

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

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

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

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

(4) "Small-Scale Resource Land" means land identified and designated pursuant to the requirements of OAR Chapter 660, Division 33.

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Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert.
ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Inventory

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

Stat. Auth.: ORS Ch. 183 & 197
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert.
ef. 2-5-90

Plan Designation Outside an Urban Growth Boundary

660-06-015 (1) Lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR 660, Division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247, the forest lands are small-scale resource land pursuant to OAR Chapter 660, Division 33, or the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370. In areas of intermingled agricultural and forest lands, an agricultural/forest lands designation may also be appropriate if it provides protection for forest lands consistent with the requirements of OAR Chapter 660, Division 6. The plan shall describe the zoning designation(s) applied to forest lands and its purpose and shall contain criteria which clearly indicate where the zone(s) will be applied.

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

Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert.
ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Plan Designation Within an Urban Growth Boundary

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

Stat. Auth.: ORS Ch. 183 & 197
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert.
ef. 2-5-90

Uses Authorized in Forest Zones

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

(a) Uses related to and in support of forest operations;

(b) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment;

(c) Locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.;

(d) Forest management dwellings as provided for in OAR 660-06-027; and

(e) Other dwellings under prescribed conditions.

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

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

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

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

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

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

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

(b) Farm use as defined in ORS 215.203;

(c) 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 which provides service hookups, including water service hookups;

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

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

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

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

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

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

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

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

(l) Temporary forest labor camps;

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

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

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

(p) Maintenance, repair or replacement of existing dwellings. To be eligible for replacement, an existing dwelling shall be habitable, served by a reliable sanitary supply of running water for domestic use, and contain a cooking/eating area, a sleeping area, and bathroom facilities connected to a sewage disposal system.

(4) The following uses may be allowed on forest lands subject to the review standards in section (5) of this rule:

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

(b) Permanent logging equipment repair and storage;

(c) Log scaling and weigh stations;

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

(e) Parks and campgrounds. For the purpose of this rule a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations;

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

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

(h) Fire stations for rural fire protection;

(i) Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a

commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4;

(j) Aids to navigation and aviation;

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

(l) Reservoirs and water impoundments;

(m) Firearms training facility;

(n) Cemeteries;

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

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

(B) Only minor incidental and accessory retail sales are permitted;

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

(D) A governing body may impose other appropriate conditions.

(p) 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) with rights-of-way 50 feet or less in width;

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

(r) Home occupations as defined in ORS 215.448;

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

(t) Expansion of existing airports;

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

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

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

(B) Only minor incidental and accessory retail sales are permitted;

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

(D) Accommodations must be located within 1/4 mile of fish bearing Class I waters; and

(E) A governing body may impose other appropriate conditions.

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

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

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

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

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

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

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Land Conservation and Development Commission.]

Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

New Land Division Requirements in Forest Zones

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

(2) At the time this division applies, the governing body shall legislatively amend their land division standards to incorporate one or more of the following parcel sizes. Under these provisions, a governing body may not determine minimum parcel sizes for forest land on a case-by-case basis:

(a) An 80-acre or larger minimum parcel size; or

(b) One or more numeric minimum parcel sizes less than 80 acres provided that each parcel size is large enough to assure:

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

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

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

(3) New land divisions less than the parcel size in sections (1) and (2) of this rule may be approved only for the uses listed in OAR 660-06-025(3)(m) through (o) and subsections (4)(a) through (n) of

this rule provided that such uses have been approved pursuant to OAR 660-06-025(5).

(4) Notwithstanding sections (1) and (2) of this rule, the minimum parcel size standards may be waived to allow a division of forest land involving a dwelling existing prior to the date of adoption of this rule provided:

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

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

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

Stat. Auth.: ORS Ch. 183 & 197
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Forest Management Dwellings in Forest Zones

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

(a) "Necessary for" means the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. This definition precludes a dwelling which simply "enhances" forest management. This definition also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling;

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

(2) The governing body shall determine whether the dwelling is necessary for and accessory to forest operations including cultured Christmas trees as defined in ORS 215.203(3). That determination shall be based at a minimum on the following information provided by the applicant. The applicant shall provide information necessary to complete the form attached in **Appendix 1** or its equivalent regarding the condition and productivity of the lands to be managed, the plan for management of these lands including a chronological description of commercial forest management activities to be undertaken by the resident(s) or under contract and estimates of yield, labor and expenses. Also, information is required showing the site for the proposed dwelling and a description of related fire safety measures. The information must be sufficient to enable the Oregon Department of Forestry within 45 days to determine that:

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

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

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

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

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

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

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

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

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

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

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

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

(e) When the governing body has determined that the prospective resident(s) has complied with the requirements of subsection (7)(a) of this rule, the temporary dwelling may be replaced by a permanently constructed dwelling.

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

(9) An application for a forest management dwelling is not complete for the purposes of requiring a governing body to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information including the review and evaluation by the Oregon Department of Forestry required by section (2) of this rule is submitted to the governing body.

(10) It is the responsibility of the governing body to make the final determination that the requirements of this rule have been met.

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

[ED NOTE: Appendix 1 referred to in this rule is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the Land Conservation and Development Commission.]

Stat. Auth.: ORS Ch. 183, 197 & 215

Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 2-1990, f. & cert. ef. 3-9-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Dwellings not Related to Forest Management

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

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

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

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

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

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(5) The parcel on which the dwelling would be located was lawfully created prior to adoption of this rule; and

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

(7) The parcel satisfies one of the following:

(a) In Western Oregon, the parcel under consideration is not capable of producing 5,000 cubic feet of wood fiber per year from commercial tree species recognized by the Forest Practices Rules and the parcel is composed primarily of soils which are:

(A) Capable of 0 to 49 cubic feet per acre per year (cf/ac/yr) and where this parcel and at least all or part of three other parcels and one dwelling exist within a 160-acre square when centered on the center of the subject parcel parallel and perpendicular to section lines; or

(B) Capable of 50 to 85 cf/ac/yr and where this parcel and at least all or part of seven other parcels and three dwellings exist within a 160-acre square when centered on the center of the subject parcel parallel and perpendicular to section lines; or

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

(b) In Eastern Oregon, the parcel under consideration is not capable of producing 3,000 cubic feet of wood fiber per year from commercial tree species recognized by the Forest Practices Rules and the parcel is composed primarily of soils which are:

(A) Capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of seven other parcels and one dwelling exist within a 160-acre square when centered on the center of the subject parcel parallel and perpendicular to section lines; or

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

(8) Parcels and dwellings within urban growth boundaries shall not be counted to satisfy the eligibility requirements under section (7) of this rule;

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

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

(11) Dwellings not related to forest management shall not be allowed pursuant to this rule after county adoption of a small-scale resource land program under OAR Chapter 660, Divisions 6 and 33.

(12) Notwithstanding other provisions of this

division, a county that has designated small-scale resource land pursuant to OAR Chapter 660, Division 33 may approve a dwelling not shown to be necessary for and accessory to forest management in a finger valley upon a demonstration that:

(a) The tract upon which the dwelling would be located lies within an area designated for forest use and does not qualify for designation as small-scale resource land;

(b) The tract, when located in Western Oregon, is not capable of producing 5,000 cubic feet of wood fiber per year from commercial tree species recognized by the Forest Practices Rules. The tract, when located in Eastern Oregon, is not capable of producing 3,000 cubic feet of wood fiber per year from commercial tree species recognized by the Forest Practices Rules;

(c) The tract has direct access, without intervening properties, to the county maintained road serving the length of the finger valley; and

(d) As of November 1, 1992, there are at least three dwellings on tracts which also have direct access to the county road serving the length of the finger valley, within one-half mile of the tract;

(e) A dwelling approved under this provision shall meet the fire safety and siting standards of OAR 660-06-029 and 660-06-035.

(13) The following definitions apply to section (12) of this rule:

(a) "Finger Valley" means a narrow valley with a year-round stream served by a county-maintained road which does not connect at its upper end to a county or state maintained road giving access to another valley;

(b) "Tract", "Western Oregon", "Eastern Oregon" and "small-scale resource land" have the meanings defined in OAR Chapter 660, Division 33.

Stat. Auth.: ORS Ch. 183, 197 & 215

Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Siting Standards for Dwellings and Structures in Forest Zones

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

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

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

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

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

(d) The risks associated with wildfire are minimized.

(2) Siting standards satisfying section (1) of this rule may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting

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on that portion of the parcel least suited for growing trees.

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

Stat. Auth.: ORS Ch. 183 & 197
Hist.: LCDDC 1-1990, f. & cert. ef. 2-5-90

660-06-030 [Renumbered to 660-06-060]

Fire Siting Standards for Dwellings and Structures

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

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

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

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

(Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Land Conservation and Development Commission.)

Stat. Auth.: ORS Ch. 183 & 197
Hist.: LCDDC 1-1990, f. & cert. ef. 2-5-90

Fire Safety Design Standards for Roads

660-06-040 The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

Stat. Auth.: ORS Ch. 183 & 197

Hist.: LCDDC 1-1990, f. & cert. ef. 2-5-90

Uses Authorized in Agriculture/Forest Zones

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

(2) Uses authorized in Exclusive Farm Use Zones in ORS 215.213 and 215.283, whichever is applicable, and in OAR 660-06-025, 660-06-27 and 660-06-028, subject to the requirements of the applicable section, may be allowed in any agricultural/forest zone.

(3) Notwithstanding section (2) of this rule, nonfarm dwellings authorized under ORS 215.213 (3) or 215.283(3) may be allowed on land not receiving special tax assessments under ORS 321.730 or 321.815 three out of the last five years.

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

Stat. Auth.: ORS Ch. 183 & 197
Hist.: LCDDC 1-1990, f. & cert. ef. 2-5-90

New Land Division Requirements in Agriculture/Forest Zones

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

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

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

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

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

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

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

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

Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDDC 1-1990, f. & cert. ef. 2-5-90; LCDDC 7-1992, f. & cert. ef. 12-10-92

Rezoning Land to an Agriculture/Forest Zone

660-06-057 Any rezoning of lands from an acknowledged zone to an agriculture/forest zone

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requires a demonstration that each area being rezoned contains such a mixture of agriculture and forest uses that neither Goal 3 nor Goal 4 can be applied alone.

Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDC 1-1990, f. & cert. ef. 2-5-90; LCDC 7-1992, f. & cert. ef. 12-10-92

Regulation of Forest Operations

660-06-060 The Forest Practices Act (ORS 527.620 to 527.990) as implemented through Oregon Board of Forestry rules (OAR 629-24-101 to 629-24-648) regulates forest operations on forest lands. The relationship between the Forest Practices Act and land use planning is described in ORS 527.722 to 527.726. OAR 660-06-025 does not

authorize county governing bodies to regular forest operations or other uses allowed by ORS 527.620 to 527.990 and OAR 629-24-101 to 629-24-648.

Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDC 8-1982, f. & ef. 9-1-82; LCDC 1-1990, f. & cert. ef. 2-5-90; Renumbered from 660-06-030; LCDC 7-1992, f. & cert. ef. 12-10-92

Small-Scale Resource Land

660-06-070 A county may identify, designate and authorize uses on small-scale resource land pursuant to the definitions, procedures and requirements of OAR Chapter 660, Division 33.

Stat. Auth.: ORS Ch. 183, 197 & 215
Hist.: LCDC 7-1992, f. & cert. ef. 12-10-92