

FARM-FOREST MODEL ZONE

ARTICLE/CHAPTER X FARM-FOREST ZONE

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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 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 Farm-Forest (F-F) Zone is to protect and maintain areas of mixed agricultural and forest land, including lands for farming, grazing and woodland use, consistent with existing and future needs for agricultural and forest products. The F-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-F zone has been applied to lands designated as Agriculture and Forest [or Mixed Agricultural/Forest] in the Comprehensive Plan, which primarily include [local reference here]. The provisions of the F-F zone reflect the agricultural and forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006 and 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural and forest operations.]

The purpose statement in brackets above (F-F Zone) is intended as an alternative for lands designated as mixed farm-forest.

X.02 Permitted Uses

Permitted uses in the Farm-Forest (F-F) Zone include those permitted in Article/Chapter X.03, X.04, and X.06 of the Exclusive Farm Use (EFU) Zone [Article X.19 Use Table of the Exclusive Farm Use (EFU) Zone] and Article/Chapter X.03, X.04, and X.06 of the Forest Zone [Article X.14 Use Table of the Forest Zone], subject to the conditions and review described therein. However, dwellings permitted in Article/Chapter X.05 and X.06C of the EFU Zone and X.05 and X.06C are subject to the review criteria in either the EFU Zone or the Forest Zone, based on the predominant use of the tract on January 1, 1993.

X.03 Siting Standards for Dwellings and Structures

Siting standards in the Farm-Forest (F-F) Zone shall include those in Article X.09 – Siting Standards for Dwellings and Structures in Forest Zones of the Forest Zone, where the predominant use is forestry.

X.04 Fire-Siting Standards for Dwellings and Structures

Fire-siting standards in the Farm-Forest (F-F) Zone shall include those in Article X.10 – Fire-siting Standards for Dwellings and Structures in the Forest Model Zone, where the predominant use is forestry.

X.05 Land Divisions

- A. The minimum parcel size for new parcels in the Farm-Forest (F-F) Zone 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 must result in a remaining parcel that meets the minimum parcel size of the zone.

- (1) For the uses listed in Article/Chapter X.12.B(1) of the Forest Zone, provided that such uses have been approved pursuant to the associated review criteria of the Forest Zone and the parcel created from the division is the minimum size necessary for the use.

For jurisdictions applying the use table:

Land divisions for the following uses in Table 1 may be approved, 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;

(c) The minimum tract eligible under paragraph (2) of this subsection is 40 acres;

(d) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321; and

(e) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.

(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. 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 farm-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 subsection X.05(G) of the EFU Zone;
 - (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.
- C. A lot or parcel may not be divided under paragraph X.05B(4) if an existing dwelling on the lot or parcel was approved under:

- (1) 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; or
- (2) A farm use zone provision.

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 C. The record shall be available to the public.

D. Restrictions

- (1) An applicant for the creation of a parcel pursuant to paragraph X.05B(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 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.

X.06 Development Standards

Development standards in the Farm-Forest (F-F) Zone shall include those in Article X.13 – Development Standards of the Forest Zone.