

## **SECTION 3.020. FOREST USE, FU ZONE**

A. Purpose. The purpose of the Forest Use (FU) 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 FU 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 FU zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the FU zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR Chapter 660 Division 006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

B. Uses Permitted Outright. 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:

1. 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.
2. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
3. 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.
4. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
5. Farm use as defined in ORS 215.203.
6. 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.
7. Temporary portable facility for the primary processing of forest products.
8. Climbing and passing lanes within the right of way existing as of July 1, 1987.
9. 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.
10. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

11. 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.
12. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
13. Private hunting and fishing operations without any lodging accommodations.
14. Towers and fire stations for forest fire protection.
15. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
16. Uninhabitable structures accessory to fish and wildlife enhancement.
17. Temporary forest labor camps.
18. 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.
19. 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.
20. 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.
21. Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.
22. Youth camps subject to OAR 660-006-0031.
23. 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.
24. Caretaker residences for public parks and public fish hatcheries subject to Subsection D.11.
25. A large tract forest dwelling subject to Subsection D.1 and D.11.
26. Lot of record dwelling subject to Subsections D.2 and D.11.
27. A template dwelling subject to Subsection D.3 and D.11.
28. Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections D.4 and D.11.

### C. 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 D, Article 6, and the general standards for the zone:

1. Log scaling and weigh stations.
2. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
3. 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 D.11 and Article 7.
4. Parking of up to seven dump trucks and seven trailers.
5. Home occupations subject to Article 6.
6. Permanent facility for the primary processing of forest products subject to D.12.
7. Permanent logging equipment repair and storage.
8. Private seasonal accommodations for fee hunting operations subject to Subsections D.5.
9. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsections D.6.
10. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section C (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
11. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
12. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
13. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new parcels.
14. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.
15. 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.
16. Expansion of existing airports.
17. Television, microwave and radio communication facilities and transmission towers.

18. 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.

19. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.

20. Reservoirs and water impoundments.

21. 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.

22. Commercial utility facilities for the purpose of generating power subject to Subsection D.7.

23. Aids to navigation and aviation.

24. Firearms training facility as provided in ORS 197.770(2).

25. Fire stations for rural fire protection.

26. Cemeteries.

27. Public parks subject to Subsection D.9.

28. Private parks and campgrounds subject to Subsection D.10.

#### D. Use Standards

1. 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:

a. 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 c. for all tracts that are used to meet the acreage requirements of this subsection.

b. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.

c. Where one or more lots or parcels are required to meet minimum acreage requirements:

(1) 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.

(2) 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.

2. Lot of record dwelling

a. 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 d:

(1) Since prior to January 1, 1985; or

(2) 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.

b. The tract on which the dwelling will be sited does not include a dwelling;

c. 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.

d. 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.

e. 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:

(1) A United States Bureau of Land Management road; or

(2) 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.

f. 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

g. 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.

3. 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:

- a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
  - (1) 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
  - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
  - (1) 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
  - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
  - (1) 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
  - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
- d. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
- e. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
- f. Except as provided by paragraph g, 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.
- g. The following applies where a tract 60 acres or larger abuts a road or perennial stream.
  - (1) The measurement shall be made in accordance with paragraph f. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
    - (a) 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
    - (b) 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.

(2) 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.

h. A proposed "template" dwelling under this ordinance is not allowed:

(1) 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;

(2) Unless it complies with the requirements of Sections E and F;

(3) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph D.1.c for the other lots or parcels that make up the tract are met; or

(4) If the tract on which the dwelling will be sited includes a dwelling.

i. Where other lots or parcels that make up a tract in Subsection h:

(1) 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.

(2) 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.

4. Alteration, restoration or replacement of a lawfully established dwelling as described in ORS 215.291, where Subsections a or b apply:

a. Alteration or restoration of a lawfully established dwelling that has, or formerly had:

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights; and

(4) Has a heating system.

b. In the case of replacement, previous dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

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

a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

- b. Only minor incidental and accessory retail sales are permitted; and
- c. 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.

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

- a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty 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; and
- d. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.

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

8. 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 Article 6, and shall comply with the following requirements.

- a. 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.
- b. 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.
- c. 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.
- d. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, including but not limited to requiring that the area surrounding the facility is kept free from litter and debris.
- e. 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.
- f. The county may limit hours of operation for the facility to be compatible with adjacent uses.
- g. Comply with other conditions deemed necessary.

9. Public parks may include:



- a. All uses allowed under Statewide Planning Goal 4;
- b. 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:

- (1) Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;

- (2) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;

- (3) Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;

- (4) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;

- (5) 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;

- (6) 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;

- (7) 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

- (8) 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.

- c. 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:

- (1) Meeting halls not exceeding 2000 square feet of floor area;

- (2) Dining halls (not restaurants).

#### 10. Private Campgrounds and Campsites.

a. Campgrounds in private parks may be permitted, subject to the following:

(1) 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.

(2) 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.

(3) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(4) 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.

b. Campsites within campgrounds meeting the requirement of D.10.a and permitted pursuant to Article 6 must comply with the following:

(1) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to D.10.b(3).

(2) 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.

(3) 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.

11. 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.

12. Permanent facility for the primary processing of forest products that is:

a. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

b. Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or

c. Located in a combination of indoor and outdoor areas described in Subsections a and b; and

d. 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.

## E. 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 F 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 adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - 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 criteria satisfying Subsection 1 may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
3. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the 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:
  - a. 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;
  - b. A water use permit issued by the Water Resources Department for the use described in the application; or
  - c. 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.
4. 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.
5. Approval of a dwelling shall be subject to the following requirements:

a. 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;

b. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

c. Stocking survey report:

(1) 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;

(2) 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

d. 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.

#### F. 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:

1. 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:

a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

b. 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;

c. 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

d. 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.

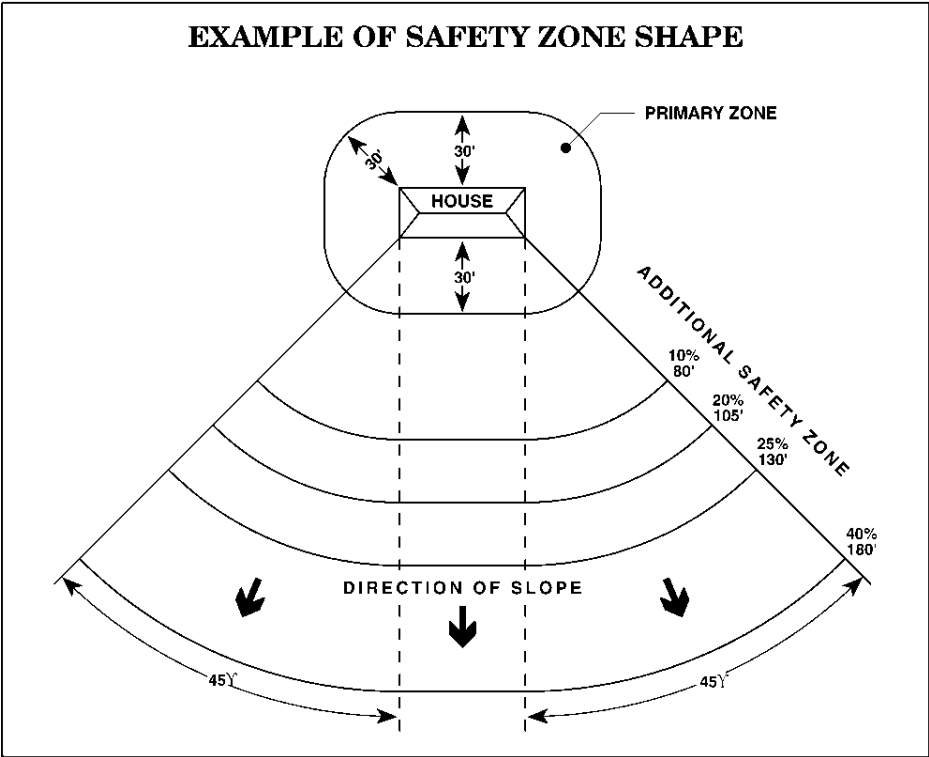
2. Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.

3. 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 3.020-1.

*TABLE 3.020-1 Minimum Primary Safety Zone*

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

Figure 3.020-1



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

G. Land Divisions

- 1. The minimum parcel size for new forest parcels is 80 (eighty) acres.
- 2. New land divisions less than the parcel size in Subsection 1 may be approved for any of the following circumstances:
  - a. For the uses listed in the following subsections provided that such uses have been approved pursuant to Article 6 and 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, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
    - (2) Destination resorts, subject to ORS 197.435 to 197.467 and Goal 8.
    - (3) Log scaling and weigh stations

- (4) Permanent facility for the primary processing of forest products subject to D.12.
- (5) Permanent logging equipment repair and storage.
- (6) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection B.15 (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- (7) Television, microwave and radio communication facilities and transmission towers.
- (8) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- (9) Reservoirs and water impoundments.
- (10) 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.
- (11) Commercial utility facilities for the purpose of generating power subject to Subsection D.7.
- (12) Aids to navigation and aviation.
- (13) Firearms training facility as provided in ORS 197.770(2).
- (14) Fire stations for rural fire protection.
- (15) Cemeteries.
- (16) Public parks subject to Subsection D.9.
- (17) Private parks and campgrounds subject to Subsection D.10.

b. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

- (1) 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
- (2) 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:
  - (a) Meets the minimum land division standards of the zone; or
  - (b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

c. 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 1. 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 1 in order to conduct the forest practice. Parcels created pursuant to this paragraph:

- (1) Are not eligible for siting of a new dwelling;
- (2) May not serve as the justification for the siting of a future dwelling on other lots or parcels;
- (3) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
- (4) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
  - (a) Facilitate an exchange of lands involving a governmental agency; or
  - (b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

d. To allow a division of a lot or parcel zoned for forest use if:

- (1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each dwelling complies with the criteria for a replacement dwelling under paragraph D.4.a;
- (3) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
- (4) At least one dwelling is located on each parcel created under this paragraph; and
- (5) 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.

e. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.



3. A lot or parcel may not be divided under paragraph G.2.d 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.

#### 4. Restrictions

a. An applicant for the creation of a parcel pursuant to paragraph 2.b 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 2.

b. 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.

5. A landowner allowed a land division under Subsection 2 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.

6. 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.

7. 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:

a. If the parcel contains a dwelling, it must be large enough to support continued residential use.

b. If the parcel does not contain a dwelling:

(1) It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(2) 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

(3) 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.

#### H. Development Standards

All dwellings and structures approved pursuant to Section 3.020 shall be sited in accordance with this Section.

1. Lot Size Standards. Lot size shall be consistent with the requirements of Section G.

2. Setbacks.

a. The front yard setback from the property line shall be 20 feet for property on a local street and 40 feet on a minor collector, 60 feet from a property line fronting on a major collector ROW, and 100 feet from a property line fronting on an arterial.

b. Each side yard setback shall be a minimum of 25 feet.

c. Rear yards shall be a minimum of 25 feet.

d. Stream Setback. All sewage disposal installations such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings, or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

e. Big Game Range Restrictions. Standards found in Article 3 Section 3.200 Significant Resource Overlay Zone apply.

3. Height.

a. Dwellings shall not exceed a height of 35 feet.

b. Non-residential structures shall not exceed a height of 35 feet.

I. Transportation Impacts

1. Traffic Impact Analysis (TIA). In addition to the other standards and conditions set forth in this section, a TIA will be required for all projects generating more than 400 passenger car equivalent trips per day. Heavy vehicles – trucks, recreational vehicles and buses – will be defined as 2.2 passenger car equivalents. A TIA will include: trips generated by the project, trip distribution for the project, identification of intersections for which the project adds 30 or more peak hour passenger car equivalent trips, and level of service assessment, impacts of the project, and, mitigation of the impacts. If the corridor is a State Highway, use ODOT standards. (MC-C-8-98)