

Article 4 – Forest Zones

ARTICLE 4 – FOREST (F-1) & PRIMARY FOREST (F-2) ZONES

Contents

Section 4.01. Purpose.....	1
Section 4.02. Use Table	1
Section 4.03. Definitions.....	6
Section 4.04. Use Standards.....	8
Section 4.05. Conditional Use Review Criteria	16
Section 4.06. Siting Standards for Dwellings and Structures	17
Section 4.07. Fire-Siting Standards for Dwellings and Structures	19
Section 4.08. Land Divisions	20
Section 4.09. Road Standards	22
Section 4.10. Dimensional & Site Development Standards.	23
Section 4.11. Approval Period & Time Extensions.....	24

Section 4.01 Purpose

The purpose of the Forest (F-1) Zone is to assure the continuous growing and harvesting of trees consistent with management of soil, air, water and fish and wildlife, and while providing for agriculture and recreation. The zone is intended to conserve and maintain forestland and protect it from conflicting development. The F-1 Zone is applied to forestland that is generally more developed and parcelized. The F-1 Zone implements the Forest designation of the Comprehensive Plan, and is intended to comply with the requirements of State law.

The purpose of the Primary Forest (F-2) Zone is to assure the continuous growing and harvesting of trees. In addition, the following factors may also be considered: to conserve forest land for forest uses; to protect forest land from non-compatible uses; and to provide for agriculture, recreation, and the management of soil, air, water and fish and wildlife. The F-2 Zone is applied to land generally managed for commercial forestry and to land that is less developed. The F-2 Zone implements the Primary Forest plan designation and is intended to comply with the requirements of State law.

Uses allowed by this article are pursuant and in accordance with OAR 660, Division 6, OAR 629 & ORS 527, unless otherwise provided for. This article is intended to protect the County's more productive resource land from the detrimental effects of uses not related to forestry and agriculture.

Section 4.02 Use Table

Table 4.02 sets forth the uses allowed in the Forest (F-1) or Primary Forest (F-2) zones. *This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table*

Article 4 – Forest Zones

4.02. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Ordinance.

A. As Used in Table 4.02:

1. “A” means the use is allowed outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Ordinance and do not require land use review.
2. “P” means the use is prohibited.
3. “C” means the use is a Conditional Use, approval of which is subject to *Section 4.05, Conditional Use Review* and other listed criteria.
4. The “Subject To” column identifies certain provisions to which the use is subject.
5. “Type I” uses (Ministerial Review) are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment.
6. “Type II” uses (Administrative Actions) involve permits, including both permitted uses *subject to standards* and *conditional uses*, for which the application of review criteria requires the exercise of limited discretion. These decisions require a notice of decision, and opportunity for appeal and public hearing.
7. “Type III” uses require a public hearing. Decisions are made by the hearings officer or planning commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.

B. Permitted Uses – Permitted uses are subject to the applicable provisions of:

- Section 4.06 *Siting Standards for Dwellings and Structures*;
- Section 4.07 *Fire-Siting Standards for Dwellings and Structures*;
- Section 4.10 *Dimensional & Site Development Standards*; and,
- Other applicable *Articles* of the *Hood River County Zoning Ordinance*.

C. Prohibited Uses – Uses of structures, buildings and land use not specifically permitted are prohibited.

Article 4 – Forest Zones

Table 4.02 Use Table for Forest (F-1) & Primary Forest (F-2) Zone

Table 4.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Forest, Farm and Natural Resource Uses		
Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash	A	
Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation	A	
Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities	A	
Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources	A	
Farm use as defined in ORS 215.203	A	
Farm use, marijuana production	Type I	Article 53
Marijuana processing, wholesaling, retailing	P	
Uninhabitable structures accessory to fish and wildlife enhancement	A	
Uses and structures (e.g., Agricultural or Ag-Exempt Buildings) customarily accessory and incidental to a farm or forest uses, only if primary farm and forest use exist	Type I	Section 4.10
Temporary portable facility for the primary processing of forest products	Type I	Section 4.10
Permanent facility for the primary processing of forest products that is: (a) located in a building, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and (b) 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.	C (Type II)	Section 4.05
Permanent logging equipment repair and storage	C (Type II)	Section 4.05
Log scaling and weigh stations	C (Type II)	Section 4.05
Forest management research and experimentation facilities as defined by ORS 526.215	C (Type II)	Section 4.05
Residential Uses		
Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists	Type I	Section 4.10
Caretaker residences for public parks and public fish hatcheries	Type II	Section 4.04.F
Large tract forest dwelling	Type II	Section 4.04.A Section 4.04.F
Lot of record dwelling	Type II	Section 4.04.B Section 4.04.F

Article 4 – Forest Zones

Table 4.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Template dwelling (allowed only in F-1 zone)	Type II	Section 4.04.C Section 4.04.F
Replacement, alteration, or restoration of a lawfully established dwelling	Type I	Section 4.04.D Section 4.04.F
Temporary hardship dwelling	C (Type II)	Section 4.04.E Section 4.05
Temporary forest labor camps	Type I	Section 4.10
Commercial Uses		
Commercial activity carried on in conjunction with a marijuana crop	P	
Home occupation	C (Type II)	Section 4.04.G Section 4.05 Article 53
Home occupation involving short-term rental	C (Type II)	Section 4.04.G Section 4.05 Article 53
Home occupation involving Bed and Breakfast Facility in existing dwelling	C (Type II)	Section 4.04.G Section 4.05 Article 56
Home occupation to host weddings and related events. Home Occupations to host weddings and related events are not allowed in the F-2 zone (Primary Forest)	C (Type II)	Section 4.04.G Section 4.05 Article 73
Parking of up to seven dump trucks and trailers	C (Type II)	Section 4.05
Private hunting and fishing operations without any lodging accommodations	A	
Private seasonal accommodations for fee hunting operations <u>and</u> private accommodation for fishing occupied on a temporary basis	C (Type II)	Section 4.04.H Section 4.05
Destination resort	P	
Farm stand	P	
Mineral, Aggregate, Oil and Gas Uses		
Exploration for mineral and aggregate resources as defined in ORS chapter 517	Type I	Section 4.10
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	Type I	Section 4.10
Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted (e.g. compressors, separators and storage servicing multiple wells), and <u>mining and processing of aggregate and mineral resources</u> as defined in ORS chapter 517	C (Type III)	Section 4.05
Publicly owned operations for the mining and processing of aggregate	Type I	Section 4.10
Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C (Type II)	Section 4.05

Article 4 – Forest Zones

Table 4.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Transportation Uses		
Climbing and passing lanes within the right of way existing as of July 1, 1987	A	
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	A	
Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed	A	
Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways	A	
Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels	C (Type II)	Section 4.05 Article 55.60
Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	C (Type II)	Section 4.05
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	C (Type II)	Section 4.05
Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065	C (Type II)	Section 4.05
Expansion of existing airports	C (Type III)	Section 4.05
Temporary asphalt and concrete batch plants as accessory uses to specific highway projects	C (Type II)	Section 4.05
Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance	C (Type II)	Section 4.05
Utility, Power Generation, Solid Waste Uses		
Utility facility service/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	A	
Solar energy systems as an accessory use (non-commercial)	Type I	Section 4.10
Wind energy power production systems as an accessory use (non-commercial)	Type I	Section 4.10 Article 74
Rainwater collection system as an accessory uses (non-commercial)	Type I	Section 4.10
Electric vehicle charging stations for residents and their non-paying guests	Type I	Section 4.10
Water intake facilities, canals and distribution lines for <u>farm irrigation and ponds</u>	A	
Water intake facilities, related treatment facilities, pumping stations and distribution lines <u>not related to farm irrigation and ponds</u>	C (Type II)	Section 4.05
Collocation of antennas and wireless telecommunication facilities, including associated equipment (e.g. equipment shelters), on a previously approved wireless telecommunication facility	Type I	Section 4.10 Article 74

Article 4 – Forest Zones

Table 4.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Communication facilities and towers supporting wireless telecommunication facilities	C (Type II)	Section 4.05 Article 74
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	C (Type II)	Section 4.05
Reservoirs and water impoundments	C (Type II)	Section 4.05
Disposal site for solid waste approved by the governing body and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation	C (Type III)	Section 4.05
Commercial utility facilities for the purpose of generating power	C (Type III)	Section 4.04.I Section 4.05
Wrecking and junk yards	P	
Billboards and signs exceeding 32 square feet, except as otherwise allowed per 4.10.G	P	
Public and Quasi-public Uses		
Towers and fire stations for forest fire protection	Type I	Section 4.10
Fire service facilities providing rural fire protection services	Type I	Section 4.10
Aids to navigation and aviation	C (Type II)	Section 4.05
Firearms training facility serving the public	Type I	Section 4.10
Private firearms training facility as provided in ORS 197.770(2)	C (Type II)	Section 4.05
Cemeteries	C (Type II)	Section 4.05
Storage structures for emergency supplies, as defined in Section 4.03	C (Type II)	Section 4.04.J Section 4.10
Publicly owned parks, playground and campgrounds.	C (Type II)	Section 4.04.K Section 4.05
Private campgrounds and campsites.	C (Type II)	Section 4.04.L Section 4.05
Youth camps	C (Type III)	Section 4.04.M Section 4.05
Outdoor Gatherings		
An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	A	Board of County Commissioner Review
Any outdoor mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.	P	

Article 4 – Forest Zones

Section 4.03 Definitions

Words used in the present tense include the future; the singular number includes the plural; and the word “shall” is mandatory and not directory. Whenever the term “this Ordinance” is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. For the purpose of this Article, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- A. Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- B. Auxiliary Use: A use or alteration of a structure or land that supports 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.
- C. Cubic Foot Per Acre: The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service soil survey. Where SCS data are not available or are shown to be inaccurate, an alternative method may be used. An alternative method must provide equivalent data and be an accepted standard by the Oregon Department of Forestry.
- D. Cubic Foot Per Tract Per Year: The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service soil survey. Where SCS data are not available or are shown to be inaccurate, an alternative method may be used. An alternative method must provide equivalent data and be an accepted standard by the Oregon Department of Forestry.
- E. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- F. Forest Tree Species: Trees recognized for commercial production under rules adopted pursuant to ORS 527.620(12).
- G. Primary Processing of Forest Products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
- H. Storage Structures for Emergency Supplies: Structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an

Article 4 – Forest Zones

affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

- I. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc.
- J. Youth Camp: A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

Section 4.04 Use Standards

- A. Large Tract Forest Dwelling authorized under ORS 215.740 may be allowed on land zoned F-1 or F-2 if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
 - 1. The tract is at least 160 contiguous acres or 200-acres in one ownership that are not contiguous but in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to Subsection (3) for all tracts that are used to meet the acreage requirements of this subsection.
 - 2. A tract shall not be considered to consist of less than 160-acres because it is crossed by a public road or a waterway.
 - 3. Where one or more lot or parcel are required to meet minimum acreage requirements:
 - a. The applicant shall provide evidence that the covenants, conditions and restrictions form, adopted as "Exhibit A" in OAR chapter 660, division 6 and provided by the County Planning Department has been recorded with the County Department of Records and Assessment or counties where the property subject to the covenants, conditions and restrictions is located.
 - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- B. Lot of Record Dwelling

Article 4 – Forest Zones

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

Article 4 – Forest Zones

C. Forest “Template” Dwelling authorized under ORS 215.750 on a lot or parcel located within the F-1 zone if the lot or parcel is predominantly composed of soils that are:

1. Capable of producing zero to 49 cubic per acre per year of wood fiber if:
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
5. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
6. Except as provided by Subsection (7), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
7. The following applies where a tract 60-acres or larger abuts a road or perennial stream:
 - a. One of the three required dwellings shall be on the same side of the road or stream as the tract, and:

Article 4 – Forest Zones

- i. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
8. A proposed “template” dwelling under this Ordinance is not allowed:
 - a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - b. Unless it complies with the requirements of Section 4.06 and 4.07;
 - c. Unless deed restrictions are recorded pursuant to Subsection (A.3) above for all other lots or parcels that make up the tract;
 - d. If the tract on which the dwelling will be sited includes a dwelling; or
 - e. If the property is zoned F-2.
- D. Replacement, alteration or restoration of a lawfully established permanent dwelling (i.e., large tract, lot of record, template), subject to the following requirements:
 1. The existing dwelling has:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights; and
 - d. A heating system.
 2. For replacement dwellings:
 - a. The existing dwelling shall be removed, demolished or converted to an allowable non-residential use before the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
 - b. The replacement dwelling shall:
 - i. Overlap a portion of the original building footprint and shall meet the fire siting standards in Section 4.07; or
 - ii. If on a completely different site, comply with Section 4.06, Section 4.07, Section 4.09, and Section 4.10; and with Article 50 - Buffer Requirements.

Article 4 – Forest Zones

iii. The replacement dwelling shall comply with all other applicable provisions of the Comprehensive Plan.

E. Temporary Hardship Dwelling, is subject to the following:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - b. The applicant shall renew the permit every two-years for it to remain valid. Upon renewal, the applicant shall provide a statement confirming that the residence remains necessary for the relative named in the permit and pay the required renewal fee;
 - c. Within three-months of the end of the hardship, the temporary hardship dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
 - d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
 - a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
 - b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
5. 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 may not be approved.

Article 4 – Forest Zones

- F. 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.
- G. Home Occupation, subject to the following:
1. Located and used subject to the definition of “Home Occupation” in Article 3 and meet the Home Occupation Standards in Article 53 of this Ordinance.
 2. Home occupation involving a Bed and Breakfast subject to Article 56.
 3. Home occupation to host weddings and related events subject to Article 73.
 4. Home occupation involving short-term rental subject to Article 53.
- H. Private seasonal accommodations for fee hunting operations and private accommodations for fishing, occupied on a temporary basis are subject to the following requirements:
1. Accommodations are limited to no more than 15-guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted; and
 3. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 4. Accommodations for fishing must be located within one-quarter mile of fish-bearing Type F waters.
- I. Commercial Utility Facility for the purpose of generating power shall not remove more than 10-acres from use as a commercial forest operation.
- J. Storage Structures for Emergency Supplies are subject to the following requirements:
1. Areas within an urban growth boundary cannot reasonably accommodate the structures;
 2. Sites where the structures could be co-located with an existing use approved under this Subsection are given preference for consideration;

Article 4 – Forest Zones

3. The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
4. The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
5. Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.

K. Publicly Owned Parks, Playground and Campgrounds may include:

1. All outdoor recreation uses allowed under Statewide Planning Goal 4.
2. The following uses:
 - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;
 - f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education.

Article 4 – Forest Zones

L. Private Campgrounds and Campsites.

1. Campgrounds in private parks may be permitted, subject to the following:
 - a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.
 - b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
 - c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - d. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30-days during any consecutive six-month period.
2. Campsites within campgrounds meeting the requirement of Subsection (1) above and permitted pursuant to Section 4.05 must comply with the following:
 - a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Subsection (c) below.
 - b. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.
 - c. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

M. The establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and compatible with the forest environment may be permitted, subject to the provisions of OAR 660-006-0031 and ORS 215.457.

Section 4.05 Conditional Use Review Criteria

A use identified as a conditional use in Table 4.02 of this zone may be allowed provided the applicant demonstrates compliance with the following criteria (or their equivalent). 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 surrounding lands devoted to forest or

Article 4 – Forest Zones

agriculture uses.

- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this Ordinance and the following general criteria:
 - 1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - 2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - 3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - 4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use (e.g., water, sewer and access); and
 - 5. The use is or can be made compatible with existing uses and other allowable uses in the area and does not negatively affect the health or safety of surrounding uses or residents.
- D. Prior to issuance of a building permit for a dwelling or establishing a conditional use, as provided in section 4.05, a written statement consistent with ORS 215.293 and Article 50 shall be recorded with the deed or written contract with the County; unless noted otherwise.

Section 4.06 Siting Standards for Dwellings and Structures

The following siting criteria or their equivalent shall apply to all new dwellings and structures in the F-1 and F-2 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. The County shall consider the criteria in this section together with the requirements of Section 4.07 to identify the building site:

- A. Dwellings and structures shall be sited on the parcel so that:
 - 1. They have the least impact on nearby or adjoining forest or agricultural lands;

Article 4 – Forest Zones

2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized;
 4. The risks associated with wildfire are minimized.
- B. Siting criteria satisfying Subsection (A) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- C. Dwellings shall comply with applicable provisions of Article 50 – Buffer Requirements.
- D. 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 Type F or Type N streams as defined in the Forest Practices rules (OAR chapter 629-635-0200). For purposes of this section, evidence of a domestic water supply means:
1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 2. A water use permit issued by the Water Resources Department for the use described in the application; or
 3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- E. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party, 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.
- F. Approval of a dwelling shall be subject to the following requirements:
1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of seedlings, saplings, poles, or trees on the tract, and if not to plant sufficient seedlings on the tract to demonstrate that the tract is reasonably expected to meet

Article 4 – Forest Zones

Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules OAR 629-610-0020;

2. The planning department shall notify the County Department of Records and Assessment of the above condition at the time the dwelling is approved;
3. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.283 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; and
4. If the lot or parcel is more than 10-acres the property owner shall:
 - a. Submit a stocking survey report by a professional forester to the County Department of Records and Assessment and they will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - b. Upon notification by the County Department of Records and Assessment, it will be determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If it is determined that the tract does not meet those requirements, Records and Assessment will notify the owner that the land is not being managed as forest land. The County Department of Records and Assessment will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

Section 4.07 Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent shall apply to all new dwellings or structures in the F-1 and F-2 zones:

- A. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that they have asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:
 1. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;

Article 4 – Forest Zones

2. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 3. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 4. Road access shall be provided to within 15-feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- B. Road access to the dwelling shall meet road design standards described in Section 4.09.
- C. A 50-foot primary fuel break plus a 100-foot secondary fuel break shall be cleared and maintained surrounding all dwellings and structures. Land owned or controlled by the owner that is too small to accommodate the fuel breaks shall be subject to Subsection (G). The primary fuel break shall not contain vegetation that will produce flame lengths in excess of one foot. The secondary fuel break shall reduce vegetation so that the intensity and likelihood of crown fires and crowning is reduced. Secondary fuel breaks shall be increased on the downslope side: 50-feet for 10% slope; 75-feet for 20°/a slope; 100-feet for 25% slope; or 150-feet for 40% slope.
- Fire Siting Standards for Dwellings and Fire Safety Design Standards handouts are available at the Planning Department.*
- D. The dwelling shall have a fire retardant roof.
- E. The dwelling shall not be sited on a slope of greater than 40 percent.
- F. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
- G. Exceptions to Section 4.07 may be approved if equivalent fire protection standards are submitted by a qualified forest fire professional. Exceptions to Section 4.07.A must include the water standards and road standards of Section 4.07.B. Submittals require approval by the Planning Director.

Section 4.08 Land Divisions

- A. The minimum parcel size for new forest parcels is 80-acres.

Article 4 – Forest Zones

B. New land divisions less than the parcel size in Subsection (A) above may be approved for any of the following circumstances:

1. The following uses in Table 4.02 may be approved pursuant to the criteria in Section 4.05 and provided that the parcel created from the division is the minimum size necessary for the use:
 - a. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons
 - b. Disposal site for solid waste
 - c. Log scaling and weigh stations
 - d. Permanent facility for the primary processing of forest products
 - e. Permanent logging equipment repair and storage
 - f. Mining and processing of oil, gas, or other subsurface resources
 - g. Television, microwave and radio communication facilities and transmission towers
 - h. Water intake facilities, related treatment facilities, pumping stations, and distribution lines
 - i. Cemeteries
 - j. Publicly owned parks, playground and campgrounds
 - k. Private parks (campgrounds and campsites)
 - l. Fire stations for rural fire protection
 - m. Utility facilities for the purpose of generating power
 - n. Aids to navigation and aviation
 - o. Reservoirs and water impoundments
 - p. Firearm training facility
2. 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) above, approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (A) above in order to conduct the forest practice. Parcels created pursuant to this Subsection:
 - 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:

Article 4 – Forest Zones

- 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.
3. A division of a lot or parcel zoned for forest use may be allowed 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 Section 4.04.D;
 - c. Except for one parcel, each parcel created under this Subsection is between two and 5-acres in size;
 - d. At least one dwelling is located on each parcel created under this Subsection; and
 - e. The landowner of a parcel created under this Subsection 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 Subsection 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.
4. 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 Subsection (B.4) above if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- D. A landowner allowed a land division under Subsection (B) above shall sign a statement that shall be recorded with the County Department of Records and Assessment 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.

Section 4.09 Road Standards

New dwellings and structures shall be subject to the following applicable standards:

- A. Roads shall be built and maintained to provide a minimum 20-foot width of all weather surface and a vertical clearance of 13-feet 6 inches.

Article 4 – Forest Zones

Fire Siting Standards for Dwellings and Fire Safety Design Standards handouts are available from the County Planning Department.

- B. Driveways shall be built and maintained to provide a minimum 16-foot width of all weather surface and a vertical clearance of 13-feet 6 inches.
- C. The all weather surface, bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.
- D. Grades shall not exceed an average of 8%, with a maximum of 12% on short pitches. Variance may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
- E. Cul-de-sacs, dead-end driveways and dead-end roads over 150-feet in length shall have turnarounds of not less than 48-feet radius.
- F. Driveways in excess of 200-feet shall provide 20-foot wide by 40-foot long turnouts at a maximum spacing of half the driveway length or 400-feet, whichever is less.
- G. Driveways shall be marked with the residence's address unless it is clearly visible on the residence from the road. The numbers shall be 4 inches high and of reflective material.

Section 4.10 Dimensional & Site Development Standards

The following standards are the minimum applicable to all new dwellings/buildings and replacement dwellings/buildings located on a completely different site, unless required by other provisions of this article:

- A. Article 50: Buffer Requirement shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling and certain replacement dwellings, as described below.

In the case of a replacement dwelling, the buffer requirements do not apply unless the dwelling is located on a completely different site. The new dwelling cannot protrude any further into the buffer unless an alternate buffer, such as a vegetative screen, berm, or sight obscuring fence is provided in compliance with Article 50 requirements.

The more restrictive provisions in Article 50 or this section shall apply.

- B. Maximum height: 35-feet
- C. Setbacks, minimum:

Article 4 – Forest Zones

1. Front: 60-feet from the centerline of any arterial street, 50-feet from the centerline of any local or collector street or 20-feet from the right-of-way, whichever is greater
2. Rear: 20-feet; agricultural buildings: 10-feet
3. Side: 10-feet; Exterior or corner parcel: 50-feet from the centerline of any street
4. Streams: New buildings shall be set back 100-feet from ordinary high water mark unless approved in conjunction with a water-related or water dependent use

D. Minimum lot size: 80-acres

E. Minimum lot frontage: 50-feet

F. Minimum vision clearance: 35-feet

G. Signs exceeding 32 square feet are prohibited in the F-1 and F-2 zones, with the following exceptions:

1. Oregon State Highway Division signs.
2. Signs approved under Subsection (G) above are required to obtain a building permit, unless otherwise allowed by the County Building Official.
3. With the exception of the requirements of Subsection 4.10.G, no more than one sign is allowed per parcel.

Section 4.11 Approval Period & Time Extensions

- A. Except as provided for in Section (C) below and for land divisions, a discretionary decision approving a proposed development on F-1 and F-2 zones land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto shall remain valid for two-years from the date of the final decision.
- B. When a permit is approved for a proposed residential development on F-1 or F-2 zoned land outside of an urban growth boundary, the permit shall be valid for four-years.
1. An extension of residential development permit shall be valid for two-years.
 2. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.