



FOREST LOT-OF-RECORD DWELLING

A Forest Lot –of-Record Dwelling may be allowed in the Forest (F-1) or Primary Forest (F-2) zones, subject to the applicable standards from Article 5, Section 5.36 of the Hood River County Zoning Ordinance and applicable portions of Oregon Revised Statutes (ORS) 215.705. For a complete application explain how your proposal complies with all of the following applicable criteria:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by and owned continuously by the present owner:

- 1. Prior to January 1, 1985; or
- 2. By devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985;

► **Describe succession of family ownership of the lot or parcel since 1985. Use a separate sheet of paper if additional space is needed:**

Owner on January 1, 1985: _____

Transferred to: _____ **Year** _____
Relation to prior owner _____

Transferred to: _____ **Year** _____
Relation to prior owner _____

Current owner: _____ **Year** _____
Relation to prior owner _____
Relation to 1/1/1985 owner: _____

- 2. "Owner" includes the spouse, child, parent, sibling, brother-in-law, 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 of these family members;
- 3. The dwelling shall be on a tract composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and 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 Bureau of Land Management road. If the road is a US Forest Service road it shall be paved and 18 feet wide, have two defined lanes and a maintenance agreement that exists between the US Forest Service and landowners adjacent to the road, a local government or state agency;

► **A planner can provide soils information. Soil capability:** _____

► **Provide a map and a written description of the access road.** _____

4. There is no dwelling on the tract that the subject parcel was part of since November 4, 1993; (*Please note that a 'tract' is defined as all contiguous property in the same ownership.*)

► **Were parcels adjacent / contiguous to the subject parcel under the same ownership as the subject parcel on November 4, 1993?** Yes No

► **Was there an existing dwelling on any of the parcels in the November 4, 1993 ownership tract?** Yes No

5. The dwelling and tract will be consistent with the density limitations that protect Goal 5 - big game wildlife habitat; **(a planner will make a determination during the review process)**
6. All portions of the tract in which the dwelling will be sited shall be consolidated into a single lot or parcel;

► **Prior to receiving approval on a building permit, please provide documentation to confirm recording the consolidation (if required).**

7. The dwelling will not materially alter the stability of the overall land use pattern of the area; **(a planner will make a determination during the review process)**
8. Approval may only be transferred by a person who has qualified for the dwelling; **(Note: transfer from the applicant may occur to only one subsequent party. The approval becomes null and void upon additional transfers).**
9. Compliance with applicable provisions of the Comprehensive Plan; and
10. Compliance with applicable provisions of Section 5.40 (*Siting Standards*); Section 5.42 (*Fire Standards*); Section 5.44 (*Road Standards*); and Section 5.46 (*Deed Statement*) of the County Zoning Ordinance.

Provide a site plan showing required information (see the example in the application packet) and a written narrative, with supporting documentation, explaining how your proposal complies with applicable criteria – in particular Section 5.40 Siting Standards, Section 5.42 Fire Standards, and Section 5.44 Road Standards.

Section 5.40 - Siting Standards: New dwellings and structures shall be subject to the following applicable standards:

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;
 - d. The risks associated with wildfire are minimized; and
 - e. Consideration is made of proximity to other dwellings, structures and roads; and the use of less productive soils.
2. Compliance with applicable provisions of Article 50 - Buffer Requirements.
3. The domestic water supply shall be in accordance with the Water Resources Department's rules and not from a Class II stream as defined in OAR Chapter 629. 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. Proof of a long-term road access use permit or agreement if road access to the dwelling is by a road owned and maintained by a private party, the Department of Forestry, the US Bureau of Land Management or the US Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

5. Approval of a dwelling on a tract, 10 acres or more, shall be subject to the following:
 - a. A sufficient number of trees shall be planted on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in their rules.
 - b. The County Assessor shall be notified of the requirements of this subsection at the time the dwelling is approved.
 - c. A stocking survey report shall be submitted to the County Assessor who shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor shall inform the Department in cases where a stocking survey report has not been submitted or where the survey report indicates that minimum stocking requirements have not been met.
 - d. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the Department shall notify the property owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

Section 5.42 - Fire Standards: New dwellings and structures shall be subject to the following applicable standards:

1. Dwellings shall be located upon parcels that are within a rural fire protection district or requested to be within the nearest district.
2. If compliance with 5.42(1) is impracticable, then alternatives such as sprinkler systems, on-site equipment, water storage or other methods may be allowed subject to section 5.42.G. and the following: If a water supply is required, it shall be a swimming pool, pond, lake or similar body of water that at all times is capable of holding 4,000 gallons; or a stream that has a minimum flow of at least one cubic foot per second; with road access to within 15 feet of the water's edge for fire fighting pumping units, and including a turnaround to accommodate fire fighting equipment.
3. A 30' primary fuel break plus a 100' 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 section 5.42.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' for 10% slope; 75' for 20% slope; 100' for 25% slope; or 150' for 40% slope. [*Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads*"]
4. Dwellings and structures shall have fire retardant roofs.
5. Chimneys shall have spark arresters.
6. Dwellings and structures shall not be sited on a slope of greater than 40 percent.
7. Exceptions to section 5.42 may be approved if equivalent fire protection standards are submitted by a professional forest fire protection expert. Exceptions to 5.42(1) must include the water and road standards of section 5.42(2). Submittals require approval by the Planning Department on a case by case basis.

Section 5.44 - Road Standards: New dwellings and structures shall be subject to the following applicable standards:

1. Roads shall be built and maintained to provide a minimum 20' width of all weather surface and a vertical clearance of 13 feet 6 inches. [*Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads*]
 2. Driveways shall be built and maintained to provide a minimum 12' width of all weather surface and a vertical clearance of 13 feet 6 inches.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
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Section 5.46 - Deed Statement:

1. Prior to issuance of a building permit for a dwelling in the Forest or Primary Forest zones, a written statement consistent with ORS 215.293 and Article 50 (*Buffer Requirements*) of the County Zoning Ordinance shall be recorded with the County Department of Records and Assessment; unless noted otherwise.

▶ ***Prior to receiving approval on a building permit, please provide a finalized site plan showing buffers and provide documentation to confirm recording the deed notification (if required).***