

## Article 27

### TIMBER COMMERCIAL

**SECTION 27.010, PURPOSE:** The purpose of the Timber Commercial 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 Timber Commercial 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 or improve the quality of air, water and land resources of the county. The intention of the Timber Commercial Zone is to guarantee the preservation of the areas so classified for forest use free from conflicting non-farm, non-forest uses.

The Timber Commercial zone has been applied to lands designated as Forest in the Comprehensive Plan. The provisions of the zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations.

**SECTION 27.015, PERMITTED USES:** In the Timber Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance. Applicable review standards for dwelling and structure applications will be determined by the Planning Department based on the predominant use of the tract on January 1, 1993. Where the predominant use as of January 1, 1993, was forest; the standards of this article shall apply. In which case, the provisions of Section 16.025(5)(E) shall only apply to that portion of the subject property in forest use on that date. Where the predominant use of the tract on January 1, 1993, was agriculture; the standards of Article 15, Exclusive Farm Use shall apply.

01. 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.
02. Farm use as defined in ORS 215.203.
03. 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.
04. An ownership of record dwelling subject to the following.
  - 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:

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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.
- H. 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

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injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

05. 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.
  - D. 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.
06. 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

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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

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- 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 Subsections 27.025.05 and 06;
    3. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph Subsection 27.015.05.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.
  - J. 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.
07. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

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08. 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.
09. Temporary portable facility for the primary processing of forest products.
10. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
11. Private hunting and fishing operations without any lodging accommodations.
12. Towers and fire stations for forest fire protection.
13. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
14. Caretaker residences for public parks and public fish hatcheries:
  - A. 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.
15. Uninhabitable structures accessory to fish and wildlife enhancement.
16. Temporary forest labor camps.
17. 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.
18. Alteration, restoration or replacement of a lawfully established dwelling subject to the following:
  - A. Alteration or restoration of a lawfully established dwelling that:
    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.

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- B. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
  - C. 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.
19. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation (Ministerial Review).
  20. 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 (Ministerial Review).
  21. Climbing and passing lanes within the right of way existing as of July 1, 1987 (Ministerial Review).
  22. 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 (Ministerial Review).
  23. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed (Ministerial Review).
  24. 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 (Ministerial Review).
  25. An outdoor mass gathering of more than 500 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735. (Administrative Review)
  26. Youth camps subject to 27.040.01 (Administrative Review).
  27. Any outdoor gathering of more than 500 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.

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28. Parking of up to seven dump trucks and seven trailers (This use is subject to Administrative Review pursuant to Article 4 and the approval criteria in Section 9.020.07).

**SECTION 27.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY:** In the Timber Commercial Zone, the following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

01. Permanent facility for the primary processing of forest products may be permitted subject to Section 27.040.02.
02. Permanent logging equipment repair and storage.
03. Log scaling and weigh stations.
04. 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 and subject to 27.040.03.
05. Public parks. Public parks subject to 27.040.04.
06. Private parks and campgrounds subject 27.040.05
07. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 27.015.17 (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
08. Television, microwave and radio communication facilities and transmission towers, subject to Article 57.
09. Fire stations for rural fire protection.
10. Commercial utility facilities for the purpose of generating power. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.
11. Aids to navigation and aviation.
12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
13. Reservoirs and water impoundments.

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14. Firearms training facility as provided in ORS 197.770(2).
15. Cemeteries.
16. Private seasonal accommodations for fee hunting operations subject to Subsection 27.025.05 and 06, and 27.040.06.
17. 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.
18. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
19. Home-based occupations as defined in Article 35, Home-Based Occupation.
20. Personal-use airports for airplanes and helicopter pads - including associated hangar, maintenance, and service facilities. A personal-use airport, as used in this section, means an airstrip restricted - except for aircraft emergencies - to use by the owner, by invited guests on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

Exceptions to the activities permitted under this definition may be granted through waiver action by the Department of Transportation in specific instances. A personal- use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Transportation.

21. 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 27.040.07.
22. Expansion of existing airports.
23. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsections 27.025.05 and 06, and 27.040.08.
24. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
25. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
26. 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.

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27. 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.
28. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.

**SECTION 27.025, PROPERTY DEVELOPMENT STANDARDS:**

01. **PARCEL SIZE:** The minimum lot size for creation of a new lot or parcel in the Timber Commercial Zone shall be 240 acres. Land divisions of less than 240 acres in size may be allowed for uses listed in OAR 660-06-025(3)(m) through (o) and (4)(a) through (n) provided that such uses were approved conditionally and that the subject parcel is the minimum necessary for the use.
02. **ACCESS:**

When considering creation of a new parcel or parcels, those less than the minimum lot size must have existing public access and must be within one mile of existing public school bus service.

When considering creation of a new parcel or parcels, those meeting the minimum lot size may be served by a private easement.
03. **SETBACKS:**

PROPERTY LINES - Not less than 25 feet - exception fences and signs.

STATE HIGHWAYS, STREAMS, RIVERS, AND LAKES - Not less than 100 feet.
04. **FRONTAGE:** Minimum lot frontage for all parcels abutting a public road shall be 200 feet.
05. **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. 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;
    2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

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3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  4. The risks associated with wildfire are minimized.
- B. Siting criteria satisfying Subsection A 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. 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:
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.
- D. 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.
- E. 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 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;
  2. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

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3. Stocking survey report:
    - a. 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;
    - b. 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
  4. 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.
06. 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:
- 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 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:
    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;
    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

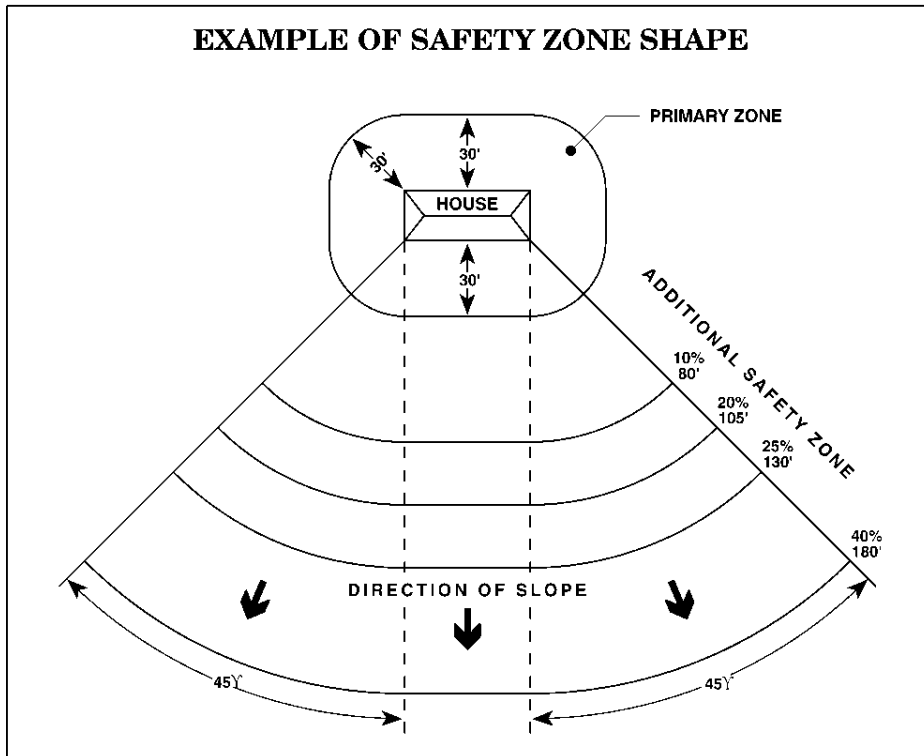
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4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second;

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 OAR 660-006-0040.
- C. 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 25.090(7)(B)(1) Table 1

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Figure 1



- 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.

**SECTION 27.030, SPECIAL NOTIFICATION:** Ditch companies that may be affected by a partition, subdivision, or change in land use being considered for approval shall receive notification. The Oregon Department of Fish and Wildlife and Oregon State Forestry shall receive notification of all partitions and subdivision applications.

**SECTION 27.032, APPLICABLE REVIEW CRITERIA:**

All uses and development described in this Article shall be subject to the following criteria:

- 01. **SALMON HABITAT RESTORATION:** Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.

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02. SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS: Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.

### **SECTION 27.035, LAND DIVISIONS**

01. The minimum parcel size for new forest parcels is 240 acres.
02. New land divisions less than the parcel size in Subsection 01 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 9 and the parcel created from the division is the minimum size necessary for the use.
    1. Section 27.015.17. 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. Section 27.020.01. Permanent facility for the primary processing of forest products.
    3. Section 27.020.02. Permanent logging equipment repair and storage.
    4. Section 27.020.03. Log scaling and weigh stations
    5. Section 27.020.04. 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.
    6. Section 27.020.05. Public parks.
    7. Section 27.020.06. Private parks and campgrounds.
    8. Section 27.020.07. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 27.015.17.e.g., compressors, separators and storage serving multiple wells, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
    9. Section 27.020.08. Television, microwave and radio communication facilities and transmission towers.

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10. Section 27.020.09. Fire stations for rural fire protection.
  11. Section 27.020.10. Commercial utility facilities for the purpose of generating power.
  12. Section 27.020.11. Aids to navigation and aviation.
  13. Section 27.020.12. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
  14. Section 27.020.13. Reservoirs and water impoundments.
  15. Section 27.020.14. Firearms training facility as provided in ORS 197.770.2.
  16. Section 27.020.15. Cemeteries.
- 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 01. 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 01 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;

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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 Section 27.015.18.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.
03. A lot or parcel may not be divided under paragraph 02.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.

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04. Restrictions

- A. An applicant for the creation of a parcel pursuant to paragraph 02.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 02.
- 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.

05. A landowner allowed a land division under Subsection 02 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.

06. 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.

07. 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.

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## **SECTION 27.040, USE STANDARDS**

### **01. Youth Camps**

- A. The purpose of this section is to provide for 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 to be compatible with the forest environment.
- B. Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.
- C. An application for a proposed youth camp shall comply with the following:
  - 1. The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by paragraph C.2 a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
  - 2. The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under paragraph C.1.
  - 3. Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
  - 4. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
  - 5. A campground as described in Subsection 27.020.06 shall not be established in conjunction with a youth camp.
  - 6. A youth camp shall not be allowed in conjunction with an existing golf course.
  - 7. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
- D. The youth camp shall be located on a lawful parcel that is:

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1. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 80 acres.
  2. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:
    - a. The proposed setback will prevent conflicts with commercial resource management practices;
    - b. The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
    - c. The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
  3. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.
- E. A youth camp may provide for the following facilities:
1. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.

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2. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
  3. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
  4. Up to three camp activity buildings, not including primary cooking and eating facilities.
  5. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
  6. Covered areas that are not fully enclosed.
  7. Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
  8. An infirmary may provide sleeping quarters for the medical care provider (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
  9. A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.
- F. A proposed youth camp shall comply with the following fire safety requirements:
1. The fire siting standards in Section 27.025.06;
  2. A fire safety protection plan shall be developed for each youth camp that includes the following:
    - a. Fire prevention measures;
    - b. On site pre-suppression and suppression measures; and

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- c. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
    - 3. Except as determined under paragraph 4, a youth camp's on-site fire suppression capability shall at least include:
      - a. A 1000-gallon mobile water supply that can access all areas of the camp;
      - b. A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
      - c. A sufficient number of fire-fighting hand tools; and
      - d. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
    - 4. An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
    - 5. The provisions of paragraph 4 may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
  - G. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator'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.
02. Permanent facility for the primary processing of forest products may be permitted where the facility is:
- A. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

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- 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.
03. 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 Subsection 9.020.7 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. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
    - 1. The area surrounding the facility is kept free from litter and debris.
    - 2. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
    - 3. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire-retardant substance and the applicant will be required to remove forest fuels within 75 feet of structures.
  - E. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.

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- F. 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.
  - G. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
  - H. Hours of operation for the facility shall be limited to 8 am – 7 pm.
  - I. Comply with other conditions deemed necessary.
04. Public parks. 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;

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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.
  9. 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:
    - a. Meeting halls not exceeding 2000 square feet of floor area;
    - b. Dining halls (not restaurants).
05. Private parks and campgrounds subject to the following:
- 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 Subsection A and permitted pursuant to Subsection 9.020.07 must comply with the following:

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1. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Subsection 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.
06. Private seasonal accommodations for fee hunting operations subject to the following:
- 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; and
  - D. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.
07. 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 the following:
- A. One manufactured dwelling, or 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:
    1. The manufactured 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 manufactured home will use a public sanitary sewer system, such condition will not be required;
    2. The county shall review the permit authorizing such manufactured homes every two years; and
    3. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of

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an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.

- B. A temporary residence approved under this section is not eligible for replacement under Subsection 27.015.18. Department of Environmental Quality review and removal requirements also apply.
  - C. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
  - D. 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.
08. Private accommodations for fishing occupied on a temporary basis may be allowed subject to the following:
- 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.

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