**Section 303 - Forest Management (FM)**

# **303.1 Purpose**

**The purpose and intent of the Forest Management Zone is to provide for timber production, harvesting, and related activities, and to help protect timber areas from fire, pollution, and encroachment of non-forestry activities. This zone is also intended to preserve and protect watersheds, scenic areas, and wildlife habitats, and to provide for recreational opportunities and agriculture.**

# **303.2 Uses Permitted Outright**

**In a Forest Management Zone the following uses are permitted outright. However, any use involving the construction of a building must be reviewed by the Planning Director under the Administrative Review procedures of Section 903.4 for compliance with the siting standards in Section 303.7, the fire safety standards in Section 426 and any other requirements of this ordinance:**

## A. Management, propagation, and harvesting of forest products in conformance with the Oregon Forest Practices Act 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.

## B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help 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. 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. "Auxiliary" means a use or alteration of a structure or land which provides help 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.

## *D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.*

## *E. Farm use as defined in Section 105.*

## *F. 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 which provides service hookups, including water service hookups.*

## *G. Temporary portable facility for the primary processing of forest products.* The primary processing of a forest product means the use of a portable chipper, stud mill, or other similar methods of initial treatment of a forest product in order to enable its shipment to market. The processing facility shall be located on the parcel on which the forest products are grown, or on a contiguous parcel.

## *H. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.*

## *I. Private hunting and fishing operations without any lodging accommodations.*

## *J. Towers and fire stations for forest fire protection.*

## *K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.*

## *L. Caretaker residences for public parks and public fish hatcheries.* 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.

## M. Uninhabitable structures accessory to fish and wildlife enhancement.

## *N. Temporary forest labor camps.*

## **O. Personal exempt wind energy facilities.**

## P. Climbing and passing lanes within the right of way existing as of July 1, 1987.

## Q. 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.

## R. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

## S. 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.

## *T. 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.*

## *U. An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735 and subject to Section 422.6.*

# **303.3 Uses Permitted Subject to Administrative Review**

**The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, if found to comply with the approval criteria in Section 303.5, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.**

## *A. Permanent facility for the primary processing of forest products where the facility is:*

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

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

### 3. Located in a combination of indoor and outdoor areas described in Subsections (1) and (2); and

### 4. 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.

## *B. Permanent logging equipment repair and storage.*

## *C. Log scaling and weigh stations.*

## *D. Television, microwave and radio communication facilities and transmission towers.* **Approval of a wireless communication tower is also subject to the requirements of Section 427**

## *E. Fire stations for rural fire protection.*

## *F. Aids to navigation and aviation.*

## *G Water intake facilities, related treatment facilities, pumping stations, and distribution lines;*

## *H. Reservoirs and water impoundments.*As a condition of approval, a written statement shall be recorded with the deed or written contract with the county which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

## **I. Cemeteries.**

## *J. 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.*

## *K. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.*

## *L. Home occupations,* subject to the standards in Section 410.

### 1. Shall be operated by a resident or employee of a resident of the property on which the business is located;

### 2. Shall not unreasonably interfere with other uses permitted in the zone in which the property is located; and

### 3. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

### 4. All off-street parking must be provided on the subject parcel where the home occupation is operated.

#### i. Employees must use an approved off-street parking area.

#### ii. Customers visiting the home occupation must use an approved off-street parking area. No more than 5 vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.

### 5. One sign, consistent with Section 406 – Sign Regulations.

### 6. Prohibited Home Occupations

#### i. Retail sale of a product on the premises.

#### ii. Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).

## *M. Expansion of existing airports.*

## *N. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.* **This use includes research and experimentation instituted and carried on by the State Board of Higher Education to aid in the economic development of the State of Oregon, to develop the maximum yield from the forest lands of Oregon, to obtain the fullest utilization of the forest resource, and to study air and water pollution as it relates to the forest products industries.**

## **O. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.**

## *P. An extended outdoor mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period, subject to the provisions of Section 422.6*

## *Q. Parking of up to seven dump trucks and seven trailers.*

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

## *S. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.*

## *T. 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.*

## *U. 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.*

# **303.4 Conditional Uses**

**In a Forest Management Zone, the following uses may be approved after review by the Planning Commission at a public hearing in accordance with the procedures in Section 903.5. In order to be approved, the use must comply with the criteria in Section 303.5 and Section 602, the siting standards in Section 303.7, the fire safety standards in Section 426 and any other applicable requirements of this ordinance.**

## *A. 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. The disposal site shall comply with the following requirements:*

### *1. 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.*

### *2. 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.*

### *3. 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.*

### *4. 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:*

#### *a. The area surrounding the facility is kept free from litter and debris.*

#### *b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.*

#### *c. 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 30 feet of structures.*

### *5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.*

### *6. 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.*

### *7. 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.*

### *8. Hours of operation for the facility shall be limited to 8 am – 7 pm.*

### *9. Comply with other conditions deemed necessary.*

## *B. Private parks and campgrounds.* Recreational activities associated with a private park must be appropriate in a forest environment. Campgrounds in private parks shall comply with 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 004.

### 2. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

### 3. 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.

### 4. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. 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.

### 5. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except electrical service may be provided to yurts.

### 6. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

### 7. 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 6 month period.

### 8. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

## *C. 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***, subject to the standards in Section 411.**

## *D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under subsection (C), above, (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517,* **subject to the standards in Section 411.**

## *E.*

## *F. Utility facilities for the purpose of generating power.*A power generation facility shall not preclude more than ten acres from use as a commercial forest operation **unless an exception is taken pursuant to OAR chapter 660, division 004.**

## *G. Firearms training facility as provided in ORS 197.770(2).*

## *H. Public parks* including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

## *I. A destination resort on property identified as destination resort-eligible by the County Comprehensive Plan subject to the standards in section 430 of this ordinance.*

## *J. Private seasonal accommodations for fee hunting operations subject to the following requirements:*

### 1. Accommodations shall be 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 shall be occupied only temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

## *K. Private accommodations for fishing occupied on a temporary basis subject to the following requirements:*

### 1. Accommodations shall be 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;

### 3. Accommodations shall be occupied only temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

### 4. Accommodations must be located within 1/4 mile of fish bearing Class I waters.

### 5. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

## L. Youth camps. **A youth camp is 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 twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Youth camps shall comply with the following:**

### 1. The number of overnight camp participants that may be accommodated shall be determined by the Planning Commission or Board of Commissioners, but shall not exceed overnight accommodations for more than 350 youth camp participants, including staff. However, if requested in the application and approved by the County, the number of overnight participants may exceed the approved number for up to eight (8) nights during the calendar year.

### 2. Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

### 3. A campground as described in Section 303.4(B) shall not be established in conjunction with a youth camp.

### 4. A youth camp shall not be allowed in conjunction with an existing golf course.

### 5. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

### 6. The youth camp shall be located on a lawfully created parcel that is:

#### a. At least 80 acres;

#### b. 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;

#### c. 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 County shall verify that a proposed youth camp will not result in the need for a sewer system; and

#### d. 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 County determines that a proposed lesser setback will:

##### i. Prevent conflicts with commercial resource management practices;

##### ii. Prevent a significant increase in safety hazards associated with vehicular traffic; and

##### iii. Provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

### 7. A youth camp may include the recreational, cooking, eating, bathing, laundry, sleeping, administrative and other facilities listed in OAR 660-006-0031(6). A caretaker’s residence may be established in conjunction with a youth camp if no other dwelling exists on the property.

### 8. A proposed youth camp shall comply with the following safety requirements:

#### a. The Safety Standards in Section 426;

#### b. A fire safety protection nplan shall be developed for each youth camp that includes the following:

##### i. Fire prevention measures;

##### ii. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire; and

##### iii. On-site pre-suppression and suppression measures. At a minimum, the on-site fire suppression capability shall include:

#### c. Except as determined under Section (d) below, a youth camp’s on-site fire suppression shall at least include:

##### i. A 1,000 gallon mobile water supply that can access all areas of the camp;

##### ii. A 30-gallon per minute water pump and an adequate amount of hose and nozzles;

##### iii. A sufficient number of fire fighting hand tools; and

##### iv. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

#### d. An equivalent level of fire suppression facilities may be approved if the camp is within an area protected by the Oregon Department of Forestry (ODF). The equivalent capability shall be based on the ODF Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel.

#### e. The on-site fire suppression measures in (c) may be waived if the youth camp is within a fire district that provides structural fire protection and the fire district indicates in writing that on-site fire suppression at the camp is not needed.

### 9. 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.

### 10. Changes to or expansions of youth camps established prior to the effective date this section shall be subject to the provisions of ORS 215.130.

# 303.5 Approval Criteria

Uses listed in Sections 303.3 and 303.4 may be approved if they comply with the following criteria:

## A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

## 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; and*

### *5. The use is or can be made compatible with existing uses and other allowable uses in the area.*

# 303.6 Dwellings

**A dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the criteria in this section, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.**

## 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.

## *A. Alteration, restoration or replacement of a lawfully established dwelling may be approved if the existing dwelling meets all of the following:*

### 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;

### 4. Has a heating system; and

### 5. 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.

### 6. A temporary medical hardship dwelling may not be replaced. However, at such time as the hardship ends the temporary dwelling may replace the permanent dwelling provided the permanent dwelling is removed, demolished or converted to an allowable nonresidential use as required in subsection (5).

## *B. Temporary Medical Hardship Dwelling.*

A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling, may be approved as a temporary use for the term of a hardship suffered by the existing resident or a relative, **subject to compliance with Section 422.3 and the following:**

### 1. The dwelling complies with the approval criteria in Section 303.5; and

### 2. As a condition of approval, a written statement shall be recorded with the deed or written contract with the county which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

## C. Large Tract Forest Dwelling

A large tract dwelling may be approved if all of the following criteria are met:

### 1. The dwelling will be sited on a tract:

#### a. Of at least 240 contiguous acres; or

#### b. Of at least 320 noncontiguous acres that are under the same ownership, are located in Jefferson County or adjacent counties, and are zoned for forest use.

### A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

### 2. The tract on which the dwelling will be sited does not currently include a dwelling;

### **3. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and**

### 4. Where one or more lots or parcels 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 has been recorded with the county clerk of the county 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.

## D. Lot of Record Dwelling

A lot of record dwelling may be approved if all of the following criteria are met:

### 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 (2) below:

#### 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. 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;

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

### 4. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling currently exists on another lot or parcel that was part of that tract;

### 5. The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species;

### 6. The tract on which the dwelling will be sited is located within 1,500 feet of a maintained public road as defined in ORS 368.001 that provides access to the subject tract. The road shall be maintained and either paved or surfaced with rock. The road shall not be a U.S. Bureau of Land Management (BLM). The road shall not be a U.S. Forest Service (USFS) 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 USFS and landowners adjacent to the road, a local government or a state agency;

### 7. When the lot or parcel on which the dwelling will be sited lies within a designated big game habitat area, the siting of the dwelling shall be consistent with the standards in Section 321;

### **8. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law;**

### 9. When the lot or parcel where the dwelling is to 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.

### **10. No dwellings shall be allowed on the other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the other lots or parcels that make up the tract or to use the lot or parcel to meet acreage requirements for future siting of a dwelling for present and any future owners, unless the tract is no longer subject to protection under the goals for agricultural lands or forest land, shall be recorded with the deed for each lot and parcel; and**

### **11. If the dwelling is approved, the approval 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.**

## E. Forest Template Dwelling

A forest template dwelling authorized under ORS 215.750 may be approved if all of the following criteria are met:

### **1. The tract on which the dwelling will be sited does not include a dwelling;**

### 2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:

#### a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber and 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 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 and 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 at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels; or,

#### c. Capable of producing more than 50 cubic feet per acre per year of wood fiber and 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 at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

#### d. Lots or parcels within an urban growth boundary shall not be used to satisfy the eligibility requirements under this subsection.

### 3. Except as provided in Section (4) below, if the tract on which the dwelling will be sited abuts a road that existed on January 1, 1993, the measurement required by subsection (2) above may be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible aligned with the road;

### 4. If the tract on which the dwelling will be sited is 60 acres or larger and abuts a road or perennial stream, the measurement required by subsection (3) above shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible aligned with the road. 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 the 160-acre rectangle; or

#### b. Be within one-quarter (¼) 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.

#### c. A dwelling is considered to be in the 160-acre rectangle if any part of the dwelling is in the rectangle.

#### d. If a road crosses the tract on which the dwelling wil be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

### 5. If a road crosses the tract on which the dwelling will be sited, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling;

### 6. 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 303.7 and Section 426;

#### c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under Section 303.6(C)(4) for the other lots or parcels that make up the tract are met; or

#### d. If the tract on which the dwelling will be sited includes a dwelling.

### 7. Where other lots or parcels that make up a tract in Subsection (8):

#### a. 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.

#### 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.

# 303.7 Siting Standards:

The following siting standards shall apply to all new dwellings and structures in the Forest Management zone. The standards are designed to make uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. **The standards shall not be used to deny a structure that would otherwise be allowed, but shall be considered to identify the most appropriate building site. Replacement dwellings and accessory structures that will be located within 100 feet of the existing dwelling are presumed to comply with the siting standards.**

## 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. 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; and

### 4. The risks associated with wildfire are minimized.

## **B. Criteria in section (A) may be met through 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 must provide evidence 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; or

### 2. A water use permit issued by the Water Resources Department for the use described in the application **if water will be obtained from a stream, creek, river, lake or other surface water source**; 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 an easement or 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. If the lot or parcel is more than 30 acres, a condition of approval for a dwelling will require the following:

### 1. The owner of the tract shall 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. The Community Development Department will notify the county assessor of the above condition at the time the dwelling is approved;

### 2. The property owner shall submit a stocking survey report to the county assessor. The Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. **The Assessor will inform the Department of Forestry if the survey report indicates that minimum stocking requirements have not been met.**

### 3. Upon notification by the Assessor, the Department of Forestry will 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 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 pursuant to ORS 321.372.

## F. As a condition of approval for a dwelling, the owner shall sign and record in the deed records for the county the following declaration:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this deed declaration, or the acceptance and recording of this instrument, that the property herein described is situated on or near farm and or forest land, and as such may be subject to common, customary, and accepted agricultural and forest practices, which ordinarily and necessarily may produce noise, dust, smoke, and other types of visual, odor, and noise pollution. This deed declaration binds the land owner and the land owner’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."

# **303.8 Permit Expiration**

## **A. Approval of a permanent dwelling in the Forest Management zone will be void four (4) years from the date of the final decision if development has not been initiated. An extension of up to two (2) years may be granted pursuant to the provisions in subsection (C).**

## **B. A decision approving a temporary medical hardship dwelling or any other administrative or conditional use in the Forest Management zone is void two (2) years from the date of the final decision if development has not been initiated, or if the use has not been established in cases where no new construction is proposed. An extension of up to 12 months may be granted pursuant to the provisions in subsection (C).**

## **C. The County may grant an extension of the approval periods specified in subsections (A) and (B) provided:**

### **1. The extension request is made in writing and is filed with the Community Development Department prior to the expiration of the original approval period;**

### **2. The written request states reasons that prevented the applicant from beginning or continuing development within the approval period; and**

### **3. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.**

**Additional one year extensions may be authorized where applicable criteria for the decision have not changed. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4.**

# 303.9 Minimum Parcel Size

The minimum parcel size in the Forest Management zone is 80 acres **or one-eighth Section, except as specified in this Section. If the parcel is in a Wildlife Overlay Zone, the minimum lot size requirements in Section 321 supersede this section if they require a larger minimum lot size. Land divisions to create new parcels less than the 80 acre minimum parcel size may be approved subject to the requirements and procedures of Chapter 7 and compliance with the following standards:**

## A. A new parcel may be created for the following uses, provided that the use has been approved by the County and the parcel created from the division is the minimum size necessary for the use:

### 1. Permanent facility for the primary processing of forest products, as described in Section 303.3(A).

### 2. Permanent logging equipment repair and storage, as described in Section 303.3(B).

### 3. Log scaling and weigh station, as described in Section 303.3(C).

### 4. Television, microwave and radio communication facilities and transmission towers, as described in Section 303.3(D).

### 5. Fire station, as described in Section 303.3(E).

### 6. Aids to navigation and aviation, as described in Section 303.3(F).

### 7. Water intake facilities, related treatment facilities, pumping stations, and distribution lines, as described in Section 303.3(G).

### 8. Reservoirs and water impoundments, as described in Section 303.3(H).

### 9. Cemetery, as described in Section 303.3(I).

### 10. Disposal site for solid waste, as described in Section 303.4(A).

### 11. Private parks and campgrounds, as described in Section 303.4(B).

### 12. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, as described in Section 303.4(C).

### 13. Mining and processing of oil, gas, or other subsurface resources, as described in Section 303.4(D).

### 14. Utility facilities for the purpose of generating power, as described in Section 303.4(F).

### 15. Firearms training facility, as described in Section 303.4(G).

### 16. Public parks, as described in Section 303.4(H).

### 17. Residential lots in a destination resort, as described in Sections 303.4(I) and 430.

## B. A new parcel may be created for an existing dwelling provided:

### 1. The new parcel shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten acres;

### 2. The dwelling existed prior to June 1, 1995; and

### 3. The remaining parcel, not containing the dwelling:

#### a. Meets the 80 acre minimum lot or parcel size, or is consolidated with another parcel and together the parcels meet the minimum lot size; and

#### b. Is not entitled to a dwelling unless subsequently authorized by law or goal.

### 4. The applicant for a division under this subsection shall provide evidence that a restrictive deed declaration on the remaining parcel not containing the dwelling has been recorded with the Jefferson County Clerk. The restriction shall prohibit a dwelling on the parcel, unless authorized by law or goal. The restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to Statewide Planning Goals pertaining to agricultural land or forest land.

## C. A new parcel may be created to facilitate a forest practice as defined in ORS 527.620. Approval shall be based on findings which demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the 80 acre minimum lot or parcel size in order to conduct the forest practice. Parcels created pursuant to this subsection:

### 1. Shall not be eligible for siting of a new dwelling;

### 2. Shall not serve as justification for the siting of a future dwelling on other lots or parcels;

### 3. Shall not, as a result of the land division, be used to justify rezoning of resource lands; and

### 4. Shall not result in a parcel of less than 35 acres, unless:

#### a. The purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or,

#### b. The purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

### **5. If associated with the creation of a parcel where a dwelling is involved, the division shall not result in a parcel less than 80 acres, or 160 acres if the dwelling was approved as a large tract forest dwelling under subsection 303.6(C).**

## D. When there is more than one dwelling on a parcel, a new parcel may be created for each dwelling if the following requirements are met

### 1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

### 2. Each dwelling complies with the standards for a replacement dwelling pursuant to subsection 303.6(A);

### 3. Except for one lot or parcel, each lot or parcel created will be between two and five acres in size;

### 4. At least one dwelling will be located on each lot or parcel;

### 5. None of the dwellings were approved under a land use regulation that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; and

### 6. The applicant shall provide evidence that a restrictive deed declaration has been recorded with the County Clerk prohibiting the landowner and the land owner’s successors in interest from further dividing the lot or parcel. The restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the Director indicating that the Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to Statewide Planning Goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in Statewide Planning Goal 4.

## E. A land division to create two parcels for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels may be approved, provided that:

### 1. The parcel created by the land division that is not sold to a provider of public parks or open space, or a not-for-profit land conservation organization must comply with the following:

#### a. If the parcel contains a dwelling or another use allowed under ORS 215, the parcel must be large enough to support continued residential use or other use allowed on the parcel; or

#### b. If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized in a state park under ORS 195.120, or as may be authorized under Section 303.6, based on the size and configuration of the parcel.

### 2. As a condition of approval before the final plat is signed, the provider of public parks or open space, or not-for-profit land conservation organization shall record with the County Clerk an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from establishing a dwelling on the parcel or developing the parcel for any use not authorized in the FM zone except park or conservation uses or pursuing a cause of action or claim or relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

### 3. As a condition of approval, if the land division results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the final plat is signed.

## F. A landowner granted approval of a land division under subsections (A) through (E) shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner’s successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

## G. 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.

## H. 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:

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

### 2. If the parcel does not contain a dwelling:

#### a. It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

#### b. 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

#### c. 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.

# **303.10 Setback Requirements:**

## **A. In the Forest Management Zone, the minimum setback from all property lines shall be 40 feet. However, a larger setback may be required to comply with the siting standards in Section 303.7 and the fire safety standards in Section 426.**

## **B. Stream Setbacks: All residences, buildings or similar permanent fixtures shall be set back from streams or lakes in accordance with the standards in Section 419.**