

**Section 3.120 - Forest (F-2) Zone**

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**Section 3.121 - Purpose**

The purpose of the Forest (F-2) Zone is to protect land designated as Forest on the Comprehensive Plan Map that is suitable and desirable for commercial forestry activities. The scope of the zone also encompasses the management of areas for the continued use of lands for renewable resource production, retention of water resources, open space, recreation, wildlife habitats and related forest uses. Residential development which might be affected by or in itself affects accepted forest management practices will be limited or prohibited so as to maximize the productivity of forest resource management in the zone. Residents of this zone must recognize that the intent of the zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this code will be interpreted in favor of the resource management practice.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the Forest (F-2) Zone shall comply with the following regulations:

**Section 3.122 - Uses Permitted Without Review**

The following uses are permitted on lands designated Forest (F-2) Zone without review:

**RESOURCE USES**

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
- B. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Chapter 1.

- C. Farm use as defined in Oregon Revised Statutes (ORS) [215.203\(2\)](#). Production of Marijuana is subject to Type I Review application and compliance with Chapter 11.
- D. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- E. Exploration for mineral and aggregate resources as defined in ORS [517](#).
- F. 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. (Added 4/12)
- G. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.

#### NATURAL RESOURCE USES

- H. Uses to conserve soil, air, water quality and open space and to provide for forest, wildlife and fisheries resources that do not include development as defined by Section 1.090 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section [3.124 H](#) below. (Amended 4/12)

#### UTILITIES & TRANSPORTATION

- I. Local Distribution Lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- J. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS [215.283](#) (1), (k) through (n).

#### COMMERCIAL USES

- K. Private hunting and fishing operations without any lodging accommodations or any other physical development.
- L. Minor Home occupation that:

1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
2. Does not serve clients or customers on-site;
3. Does not produce odor, dust, glare, flashing lights or noise;
4. Does not occupy more than 25 percent of the floor area of the dwelling; and
5. Does not include the on-premises display or sale of stock in trade.
6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.125 Y](#) below.

- M. An outdoor mass gathering as defined in ORS [433.735](#) (assembly of more than 3,000 people reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure) OR other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period. NOTE: A gathering described above is not subject to a land use decision or land use permitting. A Permit is required for outdoor mass gathering. Permit Application, notice, and fee, requirements are outlined in ORS [433.750-.755](#), to protect public health and safety.

### **Section 3.123 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Forest (F-2) Zone subject to Section [3.217 - Property Development Standards](#), Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use if required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Amended 4/12)

- A. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS [527.722](#). All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
- B. Towers and communication facilities for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

- C. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel subject to Sections [3.127 A 2 a - Addition, Modification or Relocation Setbacks](#) & [3.129 A - Replacement Dwelling Standards](#) (Dwellings only). Any replacement dwelling and/or accessory building and structure need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to Section [3.124 A](#) below.
- D. Non-commercial/stand-alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
- E. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 1.090 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section [3.124 G](#) below.
- F. Dwelling for Caretaker in a Public Park or Fish Hatchery. A single family dwelling may be authorized within the Forest Zones for a caretaker's residence when the residence will be located on land dedicated and developed as a public park, and the residence is to be occupied by a caretaker and caretaker's family only.
- G. The production of marijuana, subject to compliance with Chapter 11.

**Section 3.124 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Forest (F-2) Zone subject to the Section [3.127 - Property Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

**RESOURCE USES**

- A. Fire stations for forest fire protection.
- B. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Chapter 1.

**RESIDENTIAL USES (revised 4/12)**

- C. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part

of the legal parcel subject to Sections [3.127 A 2 a - Addition, Modification or Relocation Setbacks](#) & [3.129 A - Replacement Dwelling Standards](#) (Dwellings only) & [3.129 D - Siting Requirements for Compatibility](#).

- D. Lot of Record Dwelling subject to Section [3.219 B - Lot of Record Test](#) & [3.129 D - Siting Requirements for Compatibility](#).
- E. Large Tract Dwelling subject to Section [3.219 C - Large Tract Test](#) & [3.129 D - Siting Requirements for Compatibility](#).
- F. A building or structure accessory to a legally established residential use subject [3.129 D - Siting Requirements for Compatibility](#). This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.

#### NATURAL RESOURCE USES (Amended 4/12)

- G. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- H. Uses to conserve soil, air, water quality and open space and to provide for forest, wildlife and fisheries resources that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

#### ENERGY FACILITIES

- I. Non-commercial/stand-alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

#### MISCELLANEOUS USES

- J. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.

#### **Section 3.125 - Uses Permitted Subject to Conditional Use Review/Type II or Type III**

The following uses may be permitted on a legal parcel on lands designated Forest (F-2) Zone subject to Section [3.126 – Conditional Use Approval Standards](#), Section [3.127 - Property Development Standards](#), Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-

street loading or bicycle parking, as well as any other listed, referenced, or applicable standards. (Amended 4/12)

#### RESOURCE USES

- A. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
- B. Log scaling and weigh stations.
- C. Forest management research and experimentation facilities as defined in ORS [526.215](#) or when accessory to forest operations.
- D. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.
- E. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter [520](#) and mining and processing of aggregate and mineral resources as defined in ORS Chapter [517](#).
- F. 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.

#### RESIDENTIAL USES

- G. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as defined in [215.283](#).

#### ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

- H. Non-commercial/stand-alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
- I. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. 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 [660-004](#) and must be

reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.

- J. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS [772.210](#), Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.
- K. Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS [459.245](#), together with equipment, facilities or buildings necessary for its operation.
- L. Television, microwave and radio communication facilities and transmission towers.
- M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- N. Reservoirs and water impoundments.

#### TRANSPORTATION

- O. Public road and highway projects as described in ORS [215.283](#) (2)(p) through (r).
- P. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- Q. Expansion of existing airports.
- R. Aids to navigation and aviation.

#### PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

- S. Parks and campgrounds - A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Campgrounds authorized under this section are to be located at a site or contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the Section [3.219 E – Additional Standards](#) below.

- T. Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;
1. Accommodations are limited to no more than fifteen (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 only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.
  4. Fishing accommodations must be located within 1/4 mile of fish-bearing waters.
  5. Other conditions imposed by the Approving Authority deemed necessary.
  6. The accommodations and operations shall not include the production, processing, wholesaling or retailing of marijuana; a commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)
- U. Youth Camps subject to the limitations and requirements of [OAR 660-006-0031](#).
- V. Public parks subject to OAR [660-034-0035](#) or [660-034-0040](#), whichever is applicable.
- W. Cemeteries.
- X. Firearms training facility.

#### COMMERCIAL USES

- Y. Major Home occupations
- Z. Subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure and production, processing, wholesaling and retailing of marijuana that would not otherwise be allowed in the zone is not permitted.
- AA. Any gathering subject to review by the Wasco County Planning Commission under the provisions of ORS [433.763](#). This includes any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three month period and any part of which is held in open spaces. Approval



of a land use permit for this type of gathering is required. Special criteria listed in ORS [433.763](#) must be addressed.

### **Section 3.126 - Conditional Use Approval Standards**

The following review criteria shall apply to a conditional use applied for in Section [3.125](#) of this Section:

- A. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- B. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and 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](#).

### **Section 3.1265 - Prohibited Uses**

Marijuana processing, wholesaling, retailing and all other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

### **Section 3.127 - Property Development Standards**

- A. Setbacks
  1. New Buildings and Structures: No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right of way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.
  2. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above. (Added 4/12)
    - a. Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7 - Variances and any other applicable review criteria. The provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings.

- b. Buildings and Structures other than Dwellings: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots.

### 3. Waterways

- a. Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands. (Added 4/12)
  - (1) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
  - (2) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.
  - (3) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.
  - (4) If the proposal does not meet these standards it shall be subject to [subsection 2. above - Additions or Modifications to Existing Structures](#).
  - (5) The following uses are not required to meet the waterway setbacks; however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
    - (a) Fences;
    - (b) Streets, roads, and paths;
    - (c) Drainage facilities, utilities, and irrigation pumps;
    - (d) Water-related and water-dependent uses such as docks and bridges;
    - (e) Forest practices regulated by the Oregon Forest Practices Act;

- (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
  - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- B. Height: Maximum height for all structures shall be thirty five (35) feet. Height is measured from average grade.
- C. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- D. Signs: Signs shall not extend over a public right-of-way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
  - 3. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right of way of public road.
- E. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
- F. Lighting: All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
- G. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**Section 3.128 - Parcel Size Standards**

The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

- A. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a Type I action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new

parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.

- B. Divisions to create parcels for specified non resource use permissible in the F-2 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section [3.125 A, B, D, E, F, I, K, L, M, N, R, S, V, W, & X](#) OAR [660-006-0025](#) (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
- C. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1,1995 provided that:
  - 1. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - 2. The remaining parcel, not containing the dwelling, shall either:
    - a. meet the minimum parcel size standard of the zone; or
    - b. be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
  - 3. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
  - 4. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - 5. A forest farm management easement shall be recorded for each resulting parcel.
- D. Divisions of land containing at least two dwellings - The minimum parcel size may be waived to allow the 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 in this zone;
  3. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  4. At least one dwelling shall be located on each parcel created, including the parent parcel;
  5. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
  6. A lot or parcel may not be divided under the provisions of this subsection if;
    - a. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - b. an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
    - c. an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
- E. Divisions of forest land to facilitate a forest practice, as defined in ORS [527.620](#), may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
1. Shall not be eligible for siting of a new dwelling;
  2. Shall not serve as the 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 re-designation or rezoning of resource lands;
  4. Shall not result in a parcel of less than 35 acres, except:

- a. where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
  - b. where 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; and
5. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  6. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  7. A forest farm management easement shall be recorded for each parcel.
- F. Division of land for public park uses provided that:
1. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and
  2. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel; and
  3. The parcel created for park or open space uses shall not contain a dwelling, and:
    - a. is not eligible for siting a dwelling, except as may be authorized under ORS [195.120](#);
    - b. may not be considered in approving or denying an application for siting any other dwelling;
    - c. may not be considered in approving a re-designation or rezoning of forest lands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and
    - d. May not be smaller than 25 acres unless the purpose of the land division is:

- (1) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
- (2) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of a least 2,000 acres of open space or park property.

### **Section 3.129 - Additional Standards**

#### **A. Replacement Dwelling standards**

1. A replacement dwelling must have:
  - a. Intact exterior walls and roof structures;
  - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - c. Interior wiring for interior lights;
  - d. Heating system; and
  - e. Must be removed, demolished or converted to a non-residential use within three months of the completion of a replacement dwelling if it is replaced.
2. A replacement dwelling shall be subject to the following siting standards:
  - a. Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:
    - (1) General Development Standards,
    - (2) Siting Requirements for Compatibility.
  - b. Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:
    - (1) General Development Standards, and

Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address

- (2) Siting Requirements for Compatibility.

B. Lot of Record Test: One single family dwelling on a lot of record, meeting the following qualifications:

1. The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired and owned continuously by the present owner:
  - a. Prior to January 1, 1985; or
  - b. By devise or interstate succession from a person who acquired and had owned continuously the lot or parcel prior to January 1, 1985; and

As used in 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.

2. The tract or parcel on which the dwelling is to be sited is composed of soils not capable of producing four thousand (4,000) cubic feet per year of forest tree species as defined in subsection B of this section; and
3. The tract or parcel on which the dwelling is to be sited is located within fifteen hundred (1,500) feet of a public road as defined by Chapter 1 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
  - a. A United States Bureau of Land Management road; or
  - b. A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency. Note: any access authorization must be demonstrated to provide a permanent access route to the home site; and
4. The tract on which the dwelling will be sited does not include a dwelling; and
5. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract; and



6. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel; and
  7. When the lot or parcel on which the dwelling will be sited lies within an area designated as big game winter range, the siting of the dwelling shall be consistent with the limitation on density upon which the Section 3.290 (Sensitive Wildlife Habitat Overlay) describes to protect habitat; and
  8. A Forest Farm Management Easement is filed with the deed records of the property.
- C. Large Tract Test - If a dwelling is not allowed under the Lot of Record test, a dwelling may be allowed on land zoned for forest use if It complies with all applicable provisions of law and meets the following:
1. The tract on which the dwelling will be sited does not include a dwelling; and
  2. The tract consists of at least 240 contiguous acres or 320 non-contiguous acres in one ownership in the same county or contiguous counties;
  3. CC&Rs or a deed restriction defined in subsection B of this section, has been executed and recorded that encumbers all other lots or parcels that comprise the tract used to meet the acreage test; and
  4. A Forest Farm Management Easement is filed with the deed records of the property.
- D. Siting Requirements for Compatibility of New Dwellings and Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:
1. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
    - a. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
    - b. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
    - c. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone. (Added 4/12)

2. Dwelling and Accessory Structure Set Backs - To satisfy a. above, dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.
3. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
4. Good Proximity to Public Roads - Siting close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.
5. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.
6. Road Maintenance Required - If road access to the dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
7. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
  - a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - b. A water use permit issued by the Water Resources Department for the use described in the application; or

- c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
8. Forest Stocking Requirements - Approval of a dwelling shall be subject to the following requirements:
- a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
  - b. The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
  - c. The property owner of a parcel more than 30 acres in size, 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. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;
    - (1) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If 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 and impose (ORS [321.359](#)) the additional tax.
    - (2) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement 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](#).

E. Private Parks and Campgrounds Standards:

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 [660-004](#).
2. A private 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. 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; and
4. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except for yurts meeting the following requirements:
  - a. No more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; and
  - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation; and
  - c. The Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in Wasco County if the Commission determines that the increase will comply with the standards described in ORS [215.296\(1\)](#).
  - d. As used here, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook up or internal cooking appliance.
5. Campfires will be subject to Oregon Department of Forestry regulated use closures during fire season. Camp grounds are not automatically exempted and need to comply with all applicable use restrictions.